Ministry of the
Attorney
General

annual report 1981-82

To His Honour the Lieutenant Governor in Council

May it please Your Honour:

It is my pleasure to present to your Honour the Annual Report of the Ministry of the Attorney General for the year 1981-1982.

The Honourable R. Roy McMurtry, Q.C.
Attorney General

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Letter from the Deputy Attorney General

October 27, 1982

The Honourable R. Roy McMurtry, Q.C.,
Attorney General for Ontario,
18th Floor, 18 King Street East,
Toronto, Ontario.
M5C 1C5

Dear Mr. Attorney:

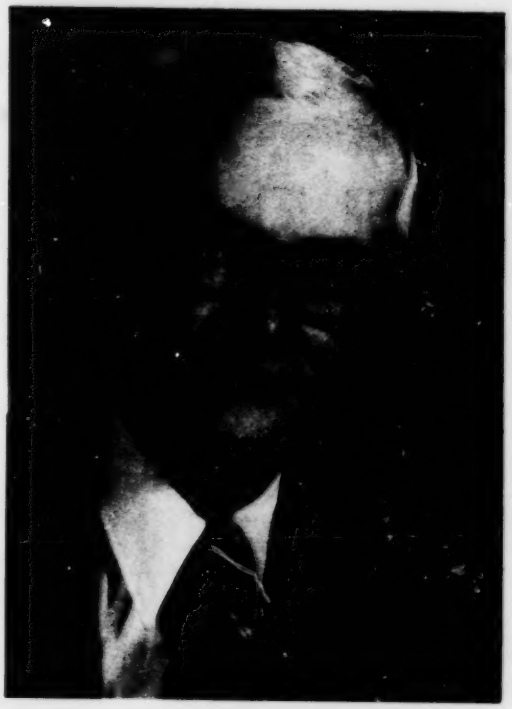
It is my privilege on behalf of the staff of the Ministry to submit for your consideration our eighth Annual Report setting forth the operations of our Ministry for the year ending March 31, 1982.

The proclamation into force of the Constitution Act, 1981, will complete our country's negotiation of constitutional renewal and provide a new context for the development of our law.

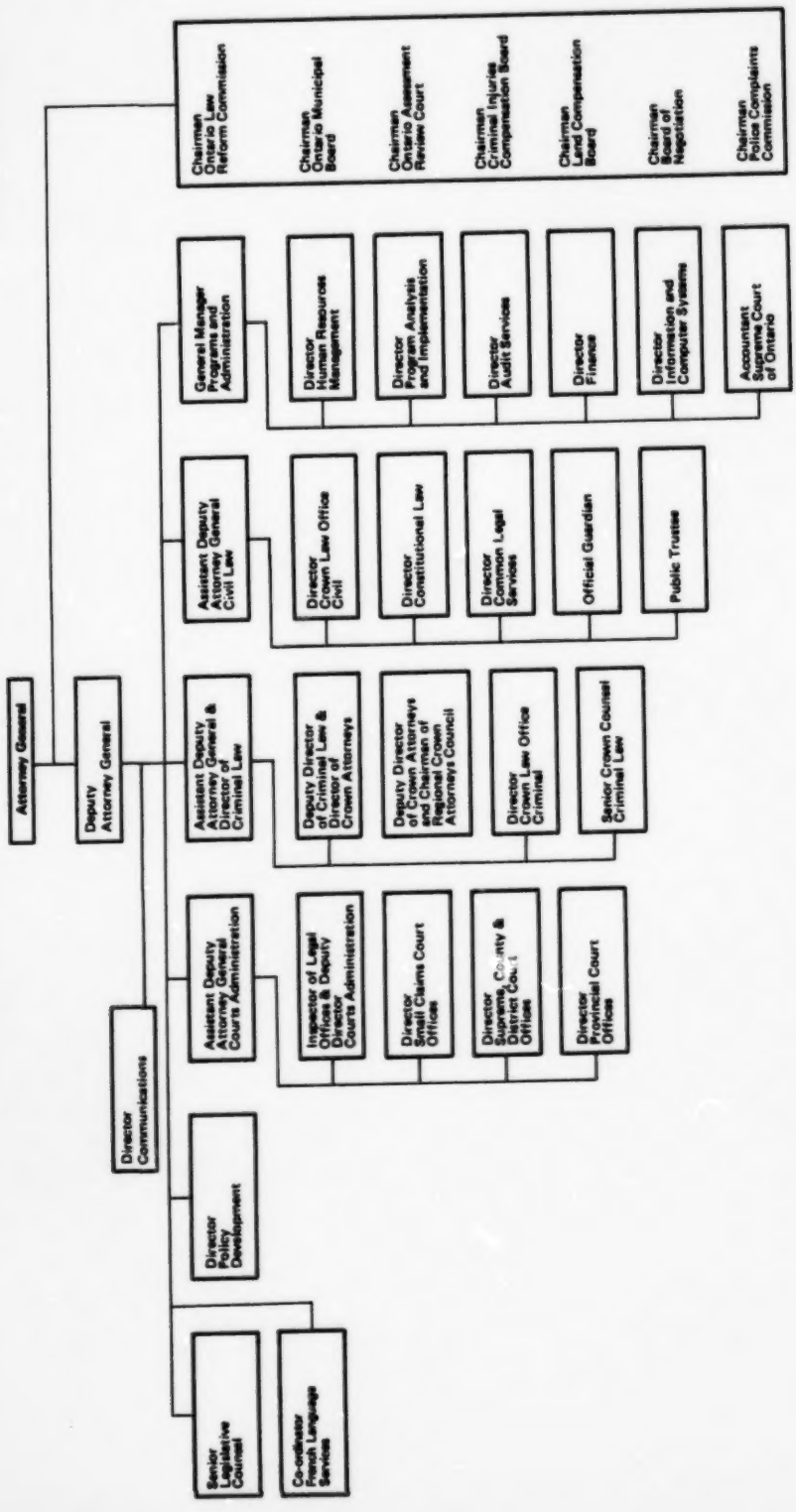
Law reform continues to be a major responsibility of the Ministry through both statute revision and judicial interpretation in criminal, civil and constitutional law where our counsel are continually engaged on behalf of the Crown in right of the Province. The growth of the public demand on the administration of justice continues unabated, with lengthier proceedings being an even greater factor than increasing caseloads as people seek to resolve their conflicts in courts at every level. Similarly, the provision of legal services to the government has continued to place more demands on our staff as the administration of government programs and services becomes more complex in both content and relationships.
It is hoped that the detail of this report will reflect our discharge of these responsibilities in an effective manner, notwithstanding the necessary constraints on resources that we face with all ministries of government.
In an age of high technology and the wonders of micro- processing, our responsibilities are still primarily dependent on the human resources for the quality of justice and law to which the people of the Province are entitled. Technology will always assist them, but it can never replace the human qualities the judiciary, the law-makers, the juries, the counsel and all the Public Servants bring to their responsibilities. In submitting this Annual Report, I am pleased to be able to assure you of the unfailing support and dedication of the Public Servants in the Ministry with whom I have had the very real pleasure of working over the past year. All of which is respectfully submitted for your consideration.

Yours very sincerely,

A. Rendall Dick,
Deputy Attorney General.



The Ministry of the Attorney General


ORGANIZATION CHART
Attorney General
Deputy Attorney General
Director Communications
Director Policy Development
Senior Legislative Counsel
Co-ordinator French Language Services
Assistant Deputy Attorney General Courts Administration
Inspector of Legal Offices & Deputy Director Courts Administration
Director Small Claims Court Offices
Director Supreme, County & District Court Offices
Director Provincial Court Offices
Assistant Deputy Attorney General & Director of Criminal Law
Deputy Director of Criminal Law & Director of Crown Attorneys
Deputy Director of Crown Attorneys and Chairman of Regional Crown Attorneys Council
Director Crown Law Office Criminal
Senior Crown Counsel Criminal Law
Assistant Deputy Attorney General Civil Law
Director Crown Law Office Civil
Director Constitutional Law
Director Common Legal Services
Official Guardian
Public Trustee
General Manager Programs and Administration
Director Human Resources Management
Director Program Analysis and Implementation
Director Audit Services
Director Finance
Director Information and Computer Systems
Accountant Supreme Court of Ontario
Chairman Ontario Law Reform Commission
Chairman Ontario Municipal Board
Chairman Ontario Assessment Review Court
Chairman Criminal Injuries Compensation Board
Chairman Land Compensation Board
Chairman Board of Negotiation
Chairman Police Complaints Commission

COMMUNICATIONS BRANCH

David Allen,
Director

The Communications Branch is responsible for the preparation, publication and distribution of booklets, pamphlets, films, news releases, statements, speeches and other material to explain Ministry proposals, programs and legislation. It also handles daily inquiries from the news media and public. The Director advises the Attorney General, Deputy Attorney General and senior Ministry officials on communications matters. The Branch reports directly to the Deputy Attorney General.

The Branch was established in 1977 in response to increased public demand for information on the activities of the Ministry and the administration of justice in general.

During the 1981-82 fiscal year, the Ministry co-operated with other ministries on two major multi-media campaigns aimed at reducing traffic fatalities.

In the early fall of 1981, the Ministry, along with the Ministries of Transportation and Communications, Solicitor General and Health, produced radio announcements and a poster urging motorists to use seatbelts. The campaign featured an endorsement of seatbelts by Steve Podborski, Canadian downhill ski champion and a "seatbelt survivor".

The poster was displayed in all L.C.B.O. outlets and distributed to police forces throughout Ontario for display and use in road safety programs. It was so popular that a reprint was necessary in the spring of 1982. The radio announcements continued to receive free broadcasts on many stations long after the period of paid advertising finished.

In December, 1981, the Branch and the Ministry of the Solicitor General shared the cost of a fourth annual campaign against drinking and driving. A hard-hitting poster entitled "Feeling No Pain", for display in bus shelters and L.C.B.O. outlets, and three, 30-second radio announcements were the basis of this enormously successful effort. Attempts to publicize the campaign through a news release and other contacts with the news media resulted in widespread coverage and editorial comment on the issue of drinking and driving. The publicity captured was worth many, many times the amount spent on paid advertising. This campaign sparked international interest and won awards in both Canada and the United States.

The Branch was involved in producing a number of new publications informing the public of legal rights and obligations.

A pamphlet produced to explain what the law requires of "Good Samaritans" received widespread distribution through such groups as the Red Cross, St. John's Ambulance and Heart Foundation. A new pamphlet on compensation for victims of crime was prepared ready for printing, and preliminary work was done on a pamphlet for witnesses. The Branch also worked with the Ministry's co-ordinator of French-language services to produce a 68-page English/French handbook of legal terminology.

Demand remained high for earlier publications on family law, small claims court, minor offences, and property protection and trespass. Several were reprinted.

FRENCH LANGUAGE SERVICES BRANCH

Etienne Saint-Aubin
Co-ordinator

This Branch was established in August of 1979 to give impetus to the Ministry's program on French-Language services. In order to facilitate access to various branches and agencies of the Ministry and to stress the importance of the program, the Co-ordinator of French-Language Services reports directly to the Deputy Attorney General.

Significant strides have been made in reflecting the duality of Canada by enshrining in Ontario law and practice fundamental rights with respect to the use of the French language in the province's system of justice. The course chosen has been a gradual approach which has taken into account the need to establish the necessary support systems.

Since December of 1979, an amendment to the Criminal Code of Canada passed at the request of the Attorney General of Ontario has provided, upon request anywhere in Ontario, for a trial before a court which speaks both English and French, for a French-speaking accused charged with a criminal offence. During this year a steady increase in the number of such trials has been

noted although as a proportion of cases this volume remains low except in certain areas of the province. The rule is that a trial is heard in the locality in which the matter arises with judges, Crown Attorneys and other support staff moving as required. Most of the areas where the main volume arises have such resources in place. Where a trial by jury is requested in an area which does not have a French-speaking population base large enough to permit empanelling a jury, a change of venue provision operates. This has not occurred during the year.

For matters other than under the Criminal Code, further extensions took place during the year under section 130 of the Judicature Act of Ontario (RSO 1980). On April 1, 1982 a significant milestone was reached with the designation of higher civil courts and various other courts not previously designated in twelve areas of the Province (including Metropolitan Toronto and the County of Renfrew). Although bilingual trials can be held in the High Court of Ontario in three of the counties, all other courts in the following areas provide for a French-speaking litigant to address himself to a court which understands him in his own language, while providing as before the same thing for an English speaking litigant:

Algoma, Cochrane, Essex, Niagara-South, Nipissing, Ottawa-Carleton, Prescott-Russell, Renfrew, Stormont-Dundas Glengarry, Sudbury, Timiskaming, York.

In preparation for this extension visits were made to all areas affected to meet with the judiciary and the profession and explain what was involved. These meetings were productive and resulted in a Notice to the Profession issued by the Chief Justice of Ontario representing the measures taken by the Attorney General to make these provisions work with fairness for everyone concerned.

The Ministry's French-Language Services Advisory Committee, composed of practicing lawyers, met during the year to review the delivery of services.

Bilingual court forms were extended across the province as existing stocks were exhausted.

Some of the activities pursued by the Branch during the year included the following:

- close liaison with the Association des juristes d'expression française de l'Ontario which is producing forms and materials with the help of a grant of $100,000;
- speaking to students in French language high schools of the province;
- speaking on Quebec radio and T.V. about steps taken by the Province of Ontario in the field of justice;
- securing an agreement for funding and assistance in the field of court interpretation from the Federal government;
- monitoring French language media and acting as a Ministry spokesman;
- representing the Ministry in various Francophone associations;
- taking part in efforts to standardize French language vocabulary in the Common law;
- working on revising on section 130 of the Judicature Act;
- coordinating translation requirements for the Ministry in order to ensure that documents are not translated unnecessarily;
- preparing, publishing and distributing a Handbook of English-French Legal Terminology as a useful tool for these wishing to learn or upgrade their knowledge of French language terms in this field;
- supervising a wills translation system introduced to remove all impediments to the drafting of wills in the French language. This involves ensuring quality and speed in translations;
- liaison with the office of the Provincial Co-ordinator of French Language Services;
- producing French-language materials for Judges and Crown Attorneys;
- verifying the accuracy of bilingual versions of court forms produced by the Ministry;
- monitoring the application of the Attorney General's policy statement issued June 23, 1980;
- designating those positions within the Ministry which called for a requirement of knowledge of English and French in competitions to fill vacancies and testing candidates.

The Ministry has received considerable praise for its clear and precise approach to the introduction and delivery of French-language services, and will continue to vigorously pursue this course.

OFFICE OF THE LEGISLATIVE COUNSEL

Arthur N. Stone, Q.C.,
Senior Legislative Counsel

The office provides a complete central legislative drafting service for the government, members of the House and petitioners for private legislation.

The Legislative Counsel is part of the Ministry of the Attorney General in respect of government matters but has an independent function as an officer of the Legislative Assembly in respect of the House procedures and work of private members. The latter function is the traditional office of the law clerk of the House.

The office consists of eight lawyers, eight secretaries and clerks, four legislative editors and a French translation staff of six translators, an administrative executive, an editor and two secretaries.

In particular, the duties and responsibilities of the office include:

1. Drafting all bills and regulations.

2. Advising and assisting the government, Cabinet ministers, members and committees of the Assembly on all legislative matters.

3. Preparing and overseeing the printing of the annual volume of statutes and office consolidations.

4. Maintaining public files of regulations and publishing the regulations.

5. Translating selected statutes into the French language and publishing the French translations for public convenience.

The statutes are maintained updated in a form capable of being printed at any time. This update is used for office consolidations and decennial revisions. The method of printing underwent a transition to the use of word processors which will eventually result in the storage and update of all the statutes in the office on diskettes capable of directly operating photocomposition for printing purposes.

The preparation and publication of the Revised Statutes, 1980, and Revised Regulations, 1980, was completed and distributed in 1981. Innovations include a comprehensive general index to the statutes, a schedule collecting all the provisions that have been unconsolidated and unrepealed since 1867 and a table of all private Acts for the same period.

The French translation program consists of the translation and publication of selected Ontario statutes and regulations. The translations published under the imprimatur of the Attorney General have the status of official translations. Questions of interpretation are governed by the text in the form in which the Act was passed by the Legislature.

Number of Bills Drafted, Introduced and Passed

	1978	1979	1980	1981
Government Bills –				
Drafted	158	180	178	139
Introduced	125	133	101	104
Passed	106	114	84	74
Private Bills –				
Introduced	49	32	51	39
Passed	47	28	44	32
Private Members' Bills –				
Drafted	99	102	146	123
Introduced	89	79	130	104
Passed	0	1	1	0
Number of pages in statute book	1384	1056	884	814

Number of Regulations Drafted and Filed

	1978	1979	1980	1981
Drafted	1227	1122	1316	1035
Filed	1007	962	1141	884
Published pages in Gazette	1965	2568	2132	1952

Program of Operations for the fiscal year 1982-83.

Continuation of normal function.

Completion of an integrated system for printing, storing and updating of statutes and regulations by means of magnetic medium.

The Ministry of the Attorney General

POLICY DEVELOPMENT DIVISION

J. Douglas Ewart,
Director

The Division

The division, which consists of a director and seven lawyers, reports to and is directly supervised by the Deputy Attorney General.

Present Duties

The duties of the division include:

1. Studying and analyzing all aspects of the administration of justice in Ontario.

2. Continual review of the 140 statutes administered by the Ministry (see appendix), proposing reform and analyzing suggestions for reform from the Ontario Law Reform Commission, the public, lawyers, other ministries and members of the Legislature.

3. Developing the legislative program of the Ministry, beginning with discussion of suggested legislation with senior staff members of the Ministry, preparing Ministry policy submissions outlining the problems and evaluating all government options for discussion and decision-making by the Justice Committee of Cabinet and by Cabinet. This process concludes with counsel from the division assisting Legislative Counsel to create draft bills reflecting Cabinet decisions.

4. Advising the Attorney General and Deputy Attorney General during the legislative progress of a bill. This generally involves attending the Legislative Assembly with the Attorney General to advise him about the bill, if necessary, and to help him answer detailed technical questions which may arise during debate.

Examples of Activity

Legislation

1. The Revised Statutes Confirmation Act, 1981, and Revised Statutes Amendment Act, 1981, confirm the 1980 consolidation of the Ontario Statutes and correct a number of typographical errors and omissions. In force as of August 1, 1981.

2. The Highway Traffic Amendment Act (No. 2), 1981, facilitates the operation of the driver improvement program by permitting a judge to impose the requirement of attendance at the program at the time of sentencing, rather than postponing the sentencing pending the defendant's attendance at the program. As a result, a defendant will not have to return to court after completing the program. In force as of December 11, 1981.

3. The Surrogate Courts Amendment Act, 1982, permits judges from outside a particular county to deal with surrogate court matters. In force as of June 15, 1982.

4. The Charities Accounting Amendment Act, 1982, permits charities to hold land beyond the two-year period permitted by the old Mortmain and Charitable Uses Act. It is a companion to the repeal of the Mortmain and Charitable Uses Act. In force as of June 15, 1982.

5. The Mortmain and Charitable Uses Repeal Act, 1982, abolishes the requirement that a corporation hold a licence in mortmain in order to hold land. In force as of June 15, 1982.

6. The Unified Family Court Amendment Act, 1982, established a permanent Unified Family Court for Hamilton-Wentworth. In force as of June 25, 1982, except for Section 4 which will come into force on proclamation.

7. The Provincial Courts Amendment Act, 1982, is incidental to the Unified Family Court Amendment Act, 1982. In force as of June 25, 1982.

8. The Reciprocal Enforcement of Maintenance Orders Act, 1982, implements the Uniform Act of 1980. It received Royal Assent on June 15, 1982, and will come into force on proclamation.

9. The Children's Law Reform Amendment Act, 1982, deals with custody, access and guardianship of children. This legislation endeavours to ensure that these matters are resolved in the best interest of the child, to discourage the abduction of children and to provide for more effective enforcement of custody and access orders. The Act also implements the Hague Convention on Civil Aspects of International Child Abduction. It received Royal Assent on June 25, 1982, and will come into force on proclamation.

10. The Assessment Appeals Procedure Statute Law Amendment Act, 1982, created a new appeal process for assessment appeals, eliminating the County Court (except for references on questions of law), with a branch of the Ontario Municipal Board assuming the general appeal function previously exercised by the County Court. It received Royal Assent on July 6, 1982, and will come into force on proclamation.

Studies, Papers and Consultations

1. The division continued to devote a substantial portion of its resources to the development and drafting of a new Courts of Justice Act and a new set of Rules of Practice for the Supreme and County Courts. Lawyers from the division are assisting the subcommittee of the Rules Committee which is drafting the new Rules of Practice.

2. A lawyer from the division acted as counsel to the Task Force on Vandalism which reported to the Attorney General on November 30, 1981.

3. A lawyer from the division continues his appointment to the Board of the Residential Tenancy Commission. Since the division helped develop the residential tenancy legislation, the board can be informed of the insights gained during the process of developing the legislation.

4. Periodic reports were prepared by a lawyer of this division on regulatory reform for the Cabinet Committee on Regulations Review.

5. A lawyer from the division continued to work on the Rules Committee of the Provincial Courts (Family Division).

6. The division has participated in the Attorney General's Liaison Committee on Enforcement of Family Law Orders which is reviewing some of the practical and administrative problems that exist in enforcing family law orders, such as custody orders and non-molestation orders.

7. A lawyer from the division was chairman of the Advisory Committee on the Construction Lien Act which reported to the Attorney General in April, 1982. The Construction Lien Act will replace the Mechanics Lien Act. Its aim is to respond to the existing complexities and uncertainties in this area of the law by taking into account the problems that concerned parties have encountered under the present law.

8. A lawyer from the division co-chaired the Law Society of Upper Canada's Continuing Education Program on the Provincial Court (Civil Division) in September, 1981.

9. Lawyers in the division continued to assist with public education in the area of family law.

10. The division continued to give assistance to the interministerial Task Force which is responding to and assisting in the implementation of federal legislative proposals regarding young offenders.

11. Working with the office of the General Manager, the division began an evaluation of the effectiveness of the Provincial Court (Civil Division) project in Metropolitan Toronto.

12. The Ontario Law Reform Commission's Report on the Enforcement of Judgment Debts was reviewed.

13. A lawyer from the division is part of a working group investigating the possibility of a national registry for security interests in aircraft.

14. A lawyer from the division is a member of the Agenda Committee of Cabinet Committee on Justice.

15. The division has maintained ongoing liaison with the Ontario Legal Aid Plan through the work of a joint committee.

16. The division has participated in the Interministerial/Law Society Committee on Financial Eligibility for Legal Aid.

17. A lawyer from the division is the secretary to the Ontario Provincial Courts Committee which makes recommendations on the remuneration and other benefits available to Provincial Court Judges.

18. A lawyer for the division is a member of the Federal-Provincial Committee on Enforcement of Maintenance and Custody Orders.

19. A lawyer from the division has been working with the Ontario Association of Architects and the Association of Professional Engineers of Ontario to create new legislation to implement recommendations of the Professional Organizations Committee.

20. The division has been active in negotiations with the federal government to improve cost-sharing for criminal legal aid and to develop cost-sharing for civil legal aid.

21. The division negotiated Ontario's agreement to Canada's ratification of the International Convention on the Elimination of All Forms of Discrimination Against Women.

22. The division participated in regular meetings of the Continuing Federal-Provincial Committee of Officials Responsible for Human Rights.

23. The division assists in the provision of staff support to the Cabinet Committee on Race Relations.

24. The division participated in the Task Force on

the Portrayal of Racial Diversity in Government Advertising and Communications.

25. The division served as a liaison between the Native Council on Justice and the Ministry.

Uniform Law Conference

The conference consists of commissioners and other participants from all provinces, the territories and the federal government who meet annually to consider reports and proposed statutes aimed at securing greater uniformity in the law of all jurisdictions in Canada.

The division has continued to contribute to the work of this conference. In 1981, the conference adopted the Uniform Custody Jurisdiction and Enforcement Act which is based on the Children's Law Reform Amendment Act, 1982, developed by the division.

CRIMINAL LAW DIVISION

R.M. McLeod, Q.C.,
Assistant Deputy Attorney General
and Director of Criminal Law

The Division comprises two branches, the Crown Attorneys' System and the Crown Law Office – Criminal, and is responsible for all criminal prosecutions and the provision of legal advice to the Attorney General and Deputy Attorney General in all Criminal Law matters.

Crown Attorneys System

J.D. Takach, Q.C.,
Deputy Director of Criminal Law
and Director of Crown Attorneys

W.H. Langdon, Q.C.,
Deputy Director of Crown Attorneys

History

Prosecution authority rested originally with the Attorney General and his officers at the capital of Upper Canada. As the population expanded it became increasingly difficult to carry out this function from one central office. In 1857, authority was granted for the establishment in each county of a prosecution office under the direction of a Crown Attorney appointed by the Governor. The Crown Attorney was required to be a resident of the county and, as such, was a part of the local administration of justice which included the local sheriff and the jury made up of residents of the area.

Modernization has strengthened the relationship between the Crown Attorney, with his local responsibilities, and the Attorney General, who is responsible for the administration of justice throughout the province. In 1955, the office of Director of Public Prosecutions was created to co-ordinate the activities of the local Crown Attorneys. In 1964, authority was given for the appointment of Crown Attorneys at large, to act as special prosecutors in difficult or specialized cases. The desire for improved communication in the system gave rise in 1966 to the Crown Attorneys' Association, a voluntary group of Crown Attorneys and their assistants who meet to discuss common problems, conduct seminars to keep pace with the changes in the law and promote an interchange of personnel to deal with temporary absences or unusually busy trial schedules.

Composition Today

The Crown Attorneys' System is composed of 236 lawyers who specialize in criminal law. In Toronto, the Office of the Director of Crown Attorneys consists of the Director, the Deputy Director and three Crown Counsel, who are assigned to local offices that require temporary assistance, and who also perform various special assignments as delegated by the Director and Deputy Director. There are 49 full-time Crown Attorneys, four Deputy Crown Attorneys in York County and 178 Assistant Crown Attorneys, 24 of whom are female.

The largest local office is the Judicial District of York, where the Crown Attorney is assisted by four Deputies and 66 Assistant Crown Attorneys. The other offices have staffs ranging in number from one to thirteen lawyers. Finally, the Crown Attorneys supervise the 538 part-time Assistant Crown Attorneys throughout the province who are engaged on a daily basis from time to time.

Responsibilities

The Crown Attorneys' System is responsible for the conduct of prosecutions under the Criminal Code and other federal statutes such as The Juvenile Delinquents Act. Crown Attorneys also

conduct prosecutions under such provincial statutes as The Highway Traffic Act and The Liquor Licence Act. Crown Attorneys and their Assistants exercise the Attorney General's discretionary powers with respect to prosecutions. They make recommendations to the police and private citizens, who may wish to lay charges, as to the appropriate charge, and appear as counsel for the Crown at bail hearings and at trial at all levels of court. Crown Attorneys also watch over private summary conviction prosecutions and intervene if the interests of the community require it.

The following are some of the more significant areas of concern and achievement in the Crown Attorneys' System during the year:

1. Charter of Rights

The passage by the federal Parliament of the Constitution bill in November, 1981, and its subsequent passage through the British Parliament, undoubtedly will have a considerable effect on the practice of criminal law insofar as it relates to the new Charter of Rights. In order to prepare members of the Criminal Law Division for the implementation of the Charter a great deal of research and material preparation was carried out. This culminated in training seminars in February/March, 1982, attended by all members of the Criminal Law Division. It may be safely said that our members were as well prepared as any lawyer in Canada to deal with questions raised by the Charter of Rights in the practice of criminal law. It is still too early to assess the ramifications of the Charter.

2. Inquests

By statute, the Crown Attorney is appointed as Counsel to the Coroner during the inquests and, in effect, has a considerable role to play. He examines the witnesses and makes summations to the jury. There are approximately 300 inquests a year which the Crown Attorney or his Assistants must attend. Many of these inquests are relatively straightforward, but others are becoming controversial and complex. Several of these occurred in 1981-82: the Ellerton inquest in Toronto, dealing with the availability of illicit drugs at the Queen Street Mental Health Centre; the Parma inquest in Brampton, dealing with the death of five members of one family in a traffic accident; and the fire deaths at the Inn on the Park, which was a carry-over from 1980-81.

3. Provincial Offences Act

Several Crown Attorneys and Assistant Crown Attorneys were heavily involved with assisting our Policy Branch in the planning and implementation of the Act. They also assisted in instructing personnel from this Ministry and other ministries, members of the legal profession and Law Enforcement Officers concerning the new Act. All Crown Attorneys have been involved as resource persons during the introductory period of the Act, advising police and other agencies where problems have occurred. In addition, the Crown Attorney conducts all appeals to the Provincial Court taken under The Provincial Offences Act. The office of the Director of Crown Attorneys continues to monitor the progress and problems in connection with the implementation of the Act.

4. Workload and Case Backlog

Each year the Crown Attorneys' System prosecutes many complex cases involving conspiracy, fraud and white collar crime. Each year there is an increasing number of these cases. They are taking longer to process through the courts and more are going to trial than in the past. There are varied reasons for this, but society in general seems to be more litigious. The cases themselves may involve many hours of studying wiretap transcripts and evidence, and may involve conspiracy, loan sharking, extortion or fraud. One of the main contributory factors to the backlog is the need for additional Crown Attorneys and judges to process these cases. Perhaps the most serious reason for the delay between the laying of a charge and the final disposition of a case is the fact that only a small percentage of the defence bar appears for the various accused in Criminal cases. As a result, due to the other commitments of defence counsel, preliminary hearings, particularly, have to be heard piecemeal, a day at a time, with the result that in some cases the preliminary hearing can stretch over a year or more. Greater judicial control over adjournments could assist with the problem. A detailed presentation was made to Management Board for extra staff to help overcome this backlog. As a result, the Crown Attorneys' System has been allotted 18 extra full-time lawyers. It is hoped that this addition to the staff, which has been placed in the busier offices, will lessen the

case backlog considerably. In addition, in the Fall of 1982, there is to be a "blitz" on the County Court backlog in Toronto. This will involve bringing in out-of-town Crown Attorneys to assist so that there is no disruption of the schedule of the regular staff.

5. Training and Development

Each year, the Ontario Crown Attorneys' Association conducts two meetings for Crown Attorneys and their assistants. These take place in the Spring and in the Fall. The Fall meeting is held in Toronto and the Spring conference moves from place to place throughout the province. Professional staff of the Crown Law Office also attend these conferences. The meetings themselves are educational in nature, with seminars, panel discussions and lectures on legal subjects of current interest. There is an average attendance of between 120 to 150 members of the association at each conference.

The Ontario Crown Attorneys' Association also conducts a summer school. Until this year it has been held at Massey College in the University of Toronto. In 1982, it will be held at the University of Western Ontario for the first time. There are three courses, one for first-year Assistant Crown Attorneys, one for second-year personnel and one for more senior and experienced personnel. The courses are available to all members of the Crown Attorneys' Association, members of the Crown Law Office, lawyers in other ministries and Crown Counsel from other provinces, all by invitation. The course for second-year personnel is devoted entirely to advocacy, with practical demonstrations, and much student participation. This year about 80 lawyers from the Association, several lawyers from other ministries and Crown Counsel from other provinces attended.

Representatives of the Crown Attorneys' System attended conventions held for Crown Counsel in British Columbia and New Brunswick.

Six members of the support staff attended management training courses run by our own Human Resources Branch and eight attended support staff seminars run by the Ministry or the Civil Service Commission.

6. Law Reform

In the past four or five years, there have been a considerable number of working papers and proposals dealing with reform of criminal law in Canada. These proposals require a response from our Ministry, both in writing and by attendance at various workshops. This response, shared by the Crown Law Office and the Crown Attorneys' System, requires that considerable time be spent in studying the proposals, preparing position papers and recommending changes to the Criminal Code. Representatives of the Crown Attorneys' System also attended the Uniform Law Conference in Whitehorse, Yukon Territory.

7. Criminal Code Review

Senior officials of the Crown Attorneys' System are members of the Government Consultation Group concerned with reviewing the Criminal Code. They meet regularly with the members of the Canadian Law Reform Commission. The group consists of members from each province, together with personnel from the federal government. This group was set up about one year ago to enable the provincial governments to have input as to the direction criminal law is taking. The group meets regularly for three-day sessions, wherein various parts of the Criminal Code receive in-depth study and analysis. Members of this Ministry will continue to form part of this group in future years.

8. Uniform Evidence Act.

In August, 1977, the Uniform Law Conference created a Federal-Provincial Task Force on the law of evidence for the purpose of creating a Uniform Evidence Act (civil and criminal) for Canada. Ontario was represented, as were a number of other provinces and the federal Justice Department, by legal officers from the civil and criminal sectors of the Attorney Generals' departments on a part-time basis. In August, 1979, at Saskatoon, the conference agreed to create a special research group on a full-time basis to assist the part-time representatives in expediting completion of the Act and the final report. Ontario, Quebec, Alberta and Canada contributed a full-time member for this group. Ontario's representative was a senior Crown Attorney who served full-time for 14 months. During this period the Task Force made recommendations on 27 identified areas of the law of evidence. Approximately 38 areas were dealt with in the final report which produced a Uniform Evidence Act. The Act has been examined by representative groups from all provinces and the federal government. It is before Parliament, but it is not known when it might become law.

9. Regional Crown Attorneys

In 1976, a regionalization program was instituted in which nine existing Crown Attorneys were designated as Regional Crown Attorneys. The Regional Crown Attorneys meet regularly in Toronto with the Director, the Deputy Director and, upon occasion, the Attorney General. The regionalization program enables the Regional Crown Attorney to bring matters of regional concern to the attention of the Director, to confer with other Crown Attorneys within their region and the other Regional Crown Attorneys. Regionalization also has regularized the relief system which is necessary to deal with shortages of manpower, and has strengthened the principle of a uniform administration of justice without undermining the contribution local Crown Attorneys have made and will continue to make.

Regional Crown Attorneys also serve on sub-committees of the Regional Crown Attorneys' Council, formed to deal with urgent topics.

10. Provincial Prosecutors

There are 38 provincial prosecutors employed throughout the province, one of whom is a woman. They are assigned to larger Crown Attorney's offices, particularly those with heavy traffic caseloads. Provincial prosecutors are considered para-professionals; they are lay persons, usually with a background in law enforcement. They represent the Crown in Provincial Offences Court, regularly appearing opposite lawyers. They perform a vital and useful function in the Crown Attorneys' System. In several jurisdictions they represent the Crown on Provincial Offences Act appeals taken in the Provincial Court (Criminal Division).

11. French Language Services

French Language Services are being rapidly expanded by the Ministry to cover all areas of the Province with a significant French-speaking population. The Crown Attorneys' System has 39 bilingual lawyers able to conduct trials in French. These lawyers, spread throughout the Crown Attorneys' System, are assigned to attend in other jurisdictions to conduct trials in French, at the direction of the Director or Deputy Director. The Crown Attorneys' System has more bilingual professional staff than any other branch of the Ministry.

12. Affirmative Action

The Crown Attorneys' System is fully committed to the principles of Affirmative Action. At present there are 24 female Assistant Crown Attorneys. This is an increase of 700 per cent in the last six years. Female lawyers in the system have access to all training and development programs and are encouraged to compete for more senior positions. Insofar as the support staff goes, an attempt is being made to upgrade female employees by on-the-job training. There were two such programs during the year, one in which a secretary received three months provincial prosecutor training and one in which a secretary was trained as an office manager. In addition, the job specifications of the senior secretaries in several of our larger offices were reviewed and job classifications upgraded.

13. Highway Safety

The Crown Attorneys' System has a firm commitment to the promotion of highway safety. There is a strict policy concerning the prosecution of drinking drivers, with particular reference to second and subsequent offenders. During the fall conference one day was devoted to highway safety. In addition, the Deputy Director is a member of the Ontario Traffic Safety Council, which meets monthly to discuss traffic safety matters of mutual interest to the police, the Ministry of Transportation and Communications, the Ministry of the Solicitor General, the Ontario Police Commission and the Ministry.

14. METFORS

In the summer of 1977, the Metropolitan Toronto Forensic Service (METFORS) began its operations in two floors of the Queen Street Mental Health Centre at 999 Queen Street West, Toronto. METFORS is governed by a board consisting of the chairman, who is the Crown Attorney for York, a representative from each of the Ministries of Health and Corrections and the Clark Institute and the director. They meet once a month to review the METFORS' operation.

Prior to the implementation of METFORS, notwithstanding the efforts of all concerned, substantial delays were experienced in obtaining court-ordered mental assessments of accused persons. The courts are interested in the mental stability of a newly arrested accused (if he appears to be suffering from some mental disorder), which might affect his attendance for trial if released on

bail, or result in danger either to the public or himself if he were released from custody. The court also is interested in his fitness to stand his eventual trial.

METFORS is able to provide the courts within two or three days of the date of arrest with a thoroughly researched assessment which may guide the courts in determining the often delicate question of bail and the other issues referred to earlier.

Crown Law Office – Criminal

Howard F. Morton, Q.C.,
Director

Harry G. Black,
Deputy Director

Composition

The office is composed of 25 lawyers, all of whom specialize in criminal law. This reflects a net loss of two lawyers in the past year, one to the Provincial Court Bench and one to private practice. There has been a sharp rise in the number of criminal appeals argued in recent months due to the increased sittings of the Court of Appeal in criminal cases. Previously that Court usually sat four panels per month (one per week). Now as many as seven panels per month is not unusual and in any event at least five or six panels per month has become the norm.

In addition, the Charter of Rights has already made its presence felt in the area of section 24 applications at all stages of the criminal process, from judicial interim release hearings to the Appellate Courts. Corresponding demands on this office are a direct result of the Charter's inception. The heavy caseload that the office has experienced in recent years has continued, particularly in the areas of criminal appeals and special prosecutions.

1. Criminal Appeals

Criminal appeals to the Supreme Court of Ontario, Court of Appeal and Supreme Court of Canada constitute the Office's major responsibility and encompass a large portion of our workload due to their increased complexity and the frequency of court sittings.

2. Special Prosecutions

In the past year, the Office has continued to prosecute an increasing number of offences which have been referred to as organized crime prosecutions. As a result of a Tri-Force approach to police investigation in this area, charges have been laid against about 472 persons involved in organized criminal activities in the past five years. Among the charges are several involving complex conspiracies. Of particular significance was the success the unit has had within the past year in penetrating the innermost workings of an organized crime family in the Toronto area. As a result of the unit's success in "turning" an enforcer for organized crime toward co-operation with law enforcement authorities, several key members of organized crime have been convicted within the past year of serious offences, including conspiracy to commit murder, and sentenced to lengthy penitentiary terms.

In addition, the unit has worked closely with the Office in other major cases such as the prosecution of prominent Toronto attorney Joseph Pomerant on charges of forgery and obstructing justice. He was recently sentenced to a lengthy penitentiary term. Others involve breach of trust, bribery, extortion, kidnapping and counterfeiting, attempts to obstruct justice, theft, forgery, fraud and other criminal rackets. These prosecutions are as a result of intensive investigation into patterns of criminal activity that are planned and organized by persons acting in concert. Counsel in the Crown Law Office are consulted by and advise members of the Task Force at regular intervals in the course of every major investigation. Counsel in the Crown Law Office have participated in intensive courses dealing with the prosecution of organized crime at Cornell University.

In addition, the Office has continued to prosecute an increasing number of complicated commercial transactions involving allegations of fraud, corruption and conspiracy. These prosecutions are complex and take a large amount of preparation and trial time. Liaison with the fraud squad of the Metropolitan Toronto Police, the Ontario Provincial Police and the R.C.M.P. is an important feature of the Office's activities in order to provide the specialized prosecutorial assistance needed not only at a trial level, but also from the outset of the investigation in most cases. The Ontario Securities Commission has continued to refer an increasing number of complex investigations involving allegations of fraud in the trading of securities and other unlawful conduct. Consumers' protection

legislation has also added to the burden of this Branch with special prosecutions under these statutes.

During the past year, counsel from this office have been involved in several additional and very complex investigations, such as those arising from the Re-Mor/Astra Trust collapse and the contempt of Court prosecutions against the hospital workers strike throughout Ontario.

3. Other Court Appearances

Court appearances by lawyers in the Office also encompass diverse matters involving various provisions of the Criminal Code of Canada and the Provincial Statutes of Ontario.

Appearances on judicial interim release hearings in murder cases, pre-trial judicial interim release review hearings, release pending appeal applications, contested motions and summary convictions appeals in Weekly Court and Chambers necessitate daily attendance in the Supreme Court of Ontario. Weekly Court and Chamber matters also include mandamus, prohibition, certiorari and habeas corpus applications and Juvenile Delinquent appeals requiring further appearances by counsel. In this area as well, the inception of the Charter of Rights has already been felt. Counsel appear on applications for leave to appeal and appeals in the Supreme Court of Canada which are heard every two weeks. When such applications are granted, there are more lengthy and subsequent appearances required for the hearing of the appeal. The increased incidence of applications for judicial interim release and bail reviews, despite procedural adjustments to standardize court dates for the latter, necessitates daily appearances of at least two lawyers to ensure that the Crown's case is properly advanced and dangerous offenders are not at liberty prior to their trials.

4. Advisory Responsibilities

One of the functions of the Office is to create, within its personnel, a level of expertise in selected specialized areas of criminal law and procedure so as to be able to provide advice to others involved in the administration of justice in the province, who require legal opinions, often on an emergency, or, at least, short notice basis. To this end, the lawyers in the Office are constantly encouraged to involve themselves in private research and a variety of academic pursuits including the writing of text books and articles for publication and participating in continuing legal education programmes and seminars. Several lawyers in the office participate as instructors in The Law Society Continuing Education Programmes, in the Bar Admission Course, Criminal Law Section and the Canadian Bar Association Continuing Legal Education Programmes.

This advisory function also extends to the delivering of lectures and conducting of seminars at many Ministry-sponsored courses for Provincial Judges, Crown Attorneys and Justices of the Peace and at similar courses conducted by various police and regulatory agencies.

5. Committee Work

The participation of members of the Crown Law Office – Criminal on various interministerial committees has increased during the past year. Members of our office have participated on Committees dealing with, *inter alia*, drinking/driving, seatbelt usage, highway safety, traffic tribunals, the drinking age, foreign investment, hypnosis, hypnotherapy, psychiatry, remands in custody, victim justice and the special Rules Committee for Provincial Offences. Counsel in the Crown Law Office also staffs the Criminal Justice Advice Service for the victims of Racially Motivated Criminal Offences.

6. Justice Policy

In the past year, the Crown Law Office expanded its involvement in the formulation of justice policy matters in the area of criminal law. The most prominent areas of our involvement are as follows:

(i) Drinking-Driving:

A mandate to design, legislate and implement a 24-hour licence suspension system in conjunction with a check stop operation which will be based upon the use of roadside screening device.

This endeavour is the most recent undertaking by the Crown Law Office in its continuing attempt to reduce the magnitude of the problem of drinking-driving in the province.

(ii) Outstanding Fines:

This undertaking included the preparation of a policy submission on control and collection of outstanding fines, together with work on the Interministerial Committee on the Vehicle Registration System.

(iii) Diversion:

In the past year, counsel continued to spend considerable time in examining this concept in preparation of a ministerial policy.

(iv) Human Rights and Race Relations:

Counsel in the Crown Law Office are engaged in work in this field on an ongoing basis. This involves:

- attendance at all meetings of the Ontario Human Rights Commission (two days per month);
- liaison with the Ontario Human Rights Commission on all matters of mutual concern;
- handling hate literature complaints;
- attending meetings of the Urban Alliance on Race Relations, which operates three pilot projects on which police officers and community members work together on a committee which deals with race relations matters;
- work on a sub committee of the U.A.R.R. which is preparing a booklet explaining police powers and duties in racial confrontation;
- design of a racial attack response system, which will be operated out of this Ministry to assist complainants in laying and prosecuting charges;
- co-ordination and preparation of the government's response to the Ubali Report on race discrimination against South Asians.

(v) Traffic Tribunals:

The Crown Law Office was responsible for the introduction of the traffic tribunal concept to the Borough of North York in 1974 and has maintained its supervisory role on a continuing basis, including the expansion of the concept to three other Metro Toronto Boroughs in 1977. In light of the success of the tribunal concept, and the recommendation of the Select Committee on Highway Safety that the concept be further expanded, counsel in the Crown Law Office will continue to supervise its operation.

(vi) Response to Royal Commissions, etc.:

The Crown Law Office continues to draft Ministry policy, in response to various Royal Commissions. In past years, we have reviewed and responded to both the Shapiro Report of the Royal Commission on the Toronto Jail and Custodial Services and the Ombudsman's Report on Audit Correctional Institutes. Currently we are working on issues raised by the Krever Royal Commission and the McDonald Inquiry concerning Certain Activities of the Royal Canadian Mounted Police and also on issues raised with respect to the "freedom-of-information" proposals.

7. Law Reform

In the past four or five years, the Federal Law Reform Commission has spawned a considerable volume of working papers and proposals dealing with reform of criminal law in Canada. These proposals require a response from our Ministry, both in writing and by attending several workshops throughout the year. This response which has been shared by the Crown Law Office – Criminal and the Crown Attorneys' system, requires that considerable time be spent in studying the proposals, preparing position papers, and recommending several changes to the Criminal Code which have been acted on by the federal government.
In addition, over the past year, a considerable amount of time and study has been directed toward the "victim-witnesses", to services through the criminal justice system, the needs of both victims of crime and corresponding needs of witnesses.
As well, counsel in the Crown Law Office – Criminal continue to be engaged in criminal litigation arising out of the Provincial Offences Act legislation and have developed a high degree of competence in dealing with the many issues arising out of this unique legislation.

8. Extradition and Commission Evidence

With the advent of white-collar crime, international criminals, swift means of travel and the nearness of international borders, we are now finding that this office is called upon to proceed with extradition hearings of criminals who have travelled across international borders to escape Canadian criminal law. To prosecute this type of crime, it is now becoming necessary both to apply for Letters Rogatory and orders to take Commission Evidence in foreign countries, and to effect extradition in other cases. In co-operation with the foreign authorities, we reciprocate and assist them with their requests for extradition, Letters Rogatory and Commission Evidence. We also provide direct assistance to the Crown Attorneys in the province in both these areas. These areas of responsibility have dramatically increased within the past year.

9. Other Responsibilities

This office also handles various administrative

matters in the criminal justice field, including transfer of charges under the Criminal Code, transfer of probation orders, reciprocal enforcement of maintenance orders, the Criminal Records Act, the Lord's Day Act and many prosecutions under provincial and federal statutes other than the Criminal Code of Canada. Another time-consuming responsibility is the administration of the Protection of Privacy Act in reference to wiretap authorizations. Advice and assistance, involving the preparation of formal opinions, service on interdepartmental committees or the provisions of informal expert opinion, to other government departments, local Crown Attorneys and others involved in the administration of justice in Ontario on an "on-call" basis constitutes an important part of the Office's workload.

CIVIL LITIGATION AND LEGAL ADVISORY SERVICES

Blenus Wright, Q.C.,
Assistant Deputy Attorney General

The Assistant Deputy Attorney General is responsible for the operation of the Crown Law Office – Civil Law, which is divided into the Constitutional Law and Civil Law Divisions, and the Common Legal Services which provides legal advice and legal services to all ministries of government. He deals with conflict-of-interest matters and is the Attorney General's representative on the Rules Committee of the Supreme and County Courts, the Law Foundation of Ontario.

Constitutional Law

John Cavarzan, Q.C.,
Director

The Division consists of five lawyers, including the Director.

The regular functions of the Division include advising all ministries on constitutional questions, reviewing litigation in Ontario Courts, the Federal Court of Canada, and the Supreme Court of Canada in which constitutional questions are raised, and engaging in such litigation where advisable.

Since the last annual report the following significant developments have occurred on the "constitutional front". The Supreme Court of Canada published its decision in the consolidated appeals from the Courts in Manitoba, Newfoundland and Quebec (the Patriation Reference) on September 28, 1981. Its ruling that the federal proposals were at once legal but unconstitutional led to further federal/provincial discussions. The agreement of November 5, 1981, endorsed by all governments save that of Quebec was the result.

The Canada Act was finally passed by the U.K. Parliament in March, 1982. The Constitution Act, 1982, was proclaimed in effect in Canada by the Queen on April 17, 1982.

Already, many laws have been challenged as contrary to the Canadian Charter of Rights and Freedoms, a major component of the Constitution Act, 1982. Charter issues and research for the next round of constitutional discussions among First Ministers will add to the Division's usual workload in fiscal 1982-83.

The Division has continued to maintain close liaison with the Ministry of Intergovernmental Affairs and with other interested ministries. Members of the Division attended the following federal/provincial conferences during the year:

Premiers' Conference on the Constitution
Montreal
October 18-19, 1981
Federal-Provincial Conference of First Ministers on the Constitution
Ottawa
November 2-5, 1981

Each of the above conferences required extensive preparation of materials and follow-up work to implement decisions taken and generally to advance the goals of the conferences.

In addition, members of the Division participated in the proceedings of five interministerial committees primarily to provide advice on constitutional issues.

With respect to the normal operations of the Division, the Attorney General received 40 notices of constitutional questions being raised in the Ontario courts and 15 notices of constitutional issues in cases before the Supreme Court of Canada. These notices require analysis of the questions involved and assessment as to the advisability of the Attorney General of Ontario being represented. In the result the Division represented the Attorney General of Ontario in 17 cases. In addition, members of the Division co-operated with members of the Civil Law Division and the Crown Law Office (Criminal) in questions arising in matters dealt with by them.

Finally, as was noted in last year's report, we are now receiving notice of constitutional issues arising in matters before the Federal Court of Canada. This year's statistics reveal that we have received such notices in four cases referred by other provincial administrations to their respective Courts of Appeal.

Statistical Summary for Fiscal Year 1981-82

Litigation	81/82	(80/81)
Notices of constitutional issues given under section 35, Judicature Act	40	(39)
Notices of constitutional issues from Federal Court of Canada	4	(6)
Notices of constitutional issues from Supreme Court of Canada	15	(16)
Notices of constitutional issues from other Provinces	2	(6)
Constitutional Cases undertaken (argued or assistance provided)	25	(37)
Written Opinions and Advice (includes opinions requested on proposed federal and provincial legislation)	37	(27)
Many Informal Opinions given in meetings and consultations with other Ministries		
Premiers' Conferences on the Constitution	2	(8)*
Participation in Interministerial Committees	5	(3)

*(8) Represents the total number of federal/provincial conferences of first ministers, ministers and officials.

The Division does not initiate legislative or administrative programs; its principal functions are to provide legal advice to the government on constitutional questions and to represent the Attorney General in litigation involving constitutional issues. The Division is now in its sixth year of operations.

In the past year, there has been an increase in the number of requests for opinions. The figures do not reflect the fact, however, that the questions investigated for such opinions are becoming increasingly complex; nor do they reflect the fact that a large number of opinions have been requested and given on the implications of the federal constitutional proposals referred to at the outset of this report. Each such opinion requires a substantial time commitment on the part of Division counsel and support staff.

Crown Law Office – Civil Law

Julian Polika, Q.C.,
Director

The Branch consisted of 24 lawyers by the end of March, 1982, including the director who provide an independent legal service for all ministries of the government, especially in the area of civil litigation.

Workload

Although there has been a leveling out in the number of incoming files, the workload has not decreased because of the ongoing caseload. The total number of cases assigned was 2,178. As of March 31, 1982, there were 3,320 on hand as opposed to 2,883 cases the previous year. The bulk of the cases handled and on hand were in the area of serious litigation, that is applications for judicial review, Supreme Court of Ontario actions or actions in other courts such as the Federal Court of Canada.

Serving the Ministry of the Attorney General

The Branch provides a complete legal service for the Ministry and, in the area of civil litigation and opinions, the work has increased and become more varied. In particular, there has been continued increase in litigious and advisory matters involving sheriffs and the court system. The Branch has also been involved in a great number of interpleader applications.

Serving other Ministries

The Branch continues to serve other ministries and involves appearances on behalf of the government in civil litigation in Small Claims Court, in the County, Supreme and Federal Court Trial Divisions, and in

appeals in applications before the Divisional Court, Court of Appeal for Ontario, Federal Court of Appeal and Supreme Court of Canada.

The Branch also appeared before various boards and tribunals and conducted provincial prosecutions on behalf of a number of ministries. For those ministries and other governmental bodies not served by the Common Legal Services program the Branch provided a complete legal service.

The Branch has also been involved in labour/management matters. Counsel are appearing on grievances on a regular basis and in the consequential court proceedings.

Law Reform

Over the past few years, there have been a considerable volume of reports, working papers and proposals dealing with the reform of provincial and federal law. These proposals have required response from the Ministry. The Branch has shared in the response by writing and participating in programs and seminars throughout the year.

The Branch had a permanent delegate on the federal-provincial task force developing uniform Rules of Evidence which wound up this year and carried its share in the preparation of background papers for discussion by the task force. The Branch also is participating in the review of the Williston Report on the Rules of Practice.

The enactment of The Provincial Offences Act, 1979, has required the provision of educational programs by the Ministry for those individuals involved in that aspect of the justice system. Counsel from the Branch has assisted in the conduct of such programs.

Affirmative Action

The Branch has been and is fully committed to the principles of Affirmative Action not only as to sex but also in respect of individuals with physical impairments. Presently there are five female Crown Law Officers. It is anticipated this will increase to eight.

Particular Services Rendered

1. Judicial Review
Under The Judicial Review Procedure Act, the Attorney General is entitled to be heard in person or by counsel in all matters of judicial review and, by statute, all applications for judicial review must be served upon the Attorney General. At the time of service, applications are examined to determine whether an intervention will be made on behalf of the Attorney General or whether the Branch will be acting on behalf of a named party. In the fiscal year 1981/82 227 applications for judicial review were received and counsel for the Branch intervened or appeared on behalf of parties in 92 of these applications.

2. Claims For and Against the Crown
Pursuant to The Proceedings Against the Crown Act, a Notice of Claim must be served upon counsel in the Branch before an action is brought against the Crown. This enables counsel to investigate the claim before an action has begun to determine what the position of the Crown will be and whether a settlement is possible. The Branch handles the full range of claims available in law except for certain technical subjects requiring particular expertise such as patents and trademarks.

In the fiscal year 1981/82 the Branch received 195 Notices of Claim.

3. Motor Vehicle Accident Claims
The Branch acts on behalf of the government in respect of motor vehicle accident claims where the government or an employee of the government has a claim against an individual. Claims against the government where the government has no counter-claim are handled by our insurers' counsel. These claims are first handled by the Claims Director; if settlement is not possible an action is brought in the appropriate level of Court, counsel assigned and the matter brought to completion. In the fiscal year 1981/82 825 such claims were received.

4. Mechanics' Lien Actions
As of January 1, 1976, The Public Works Creditors Payment Act was repealed and the Crown, save for the Ministry of Transportation and Communications, was made subject to the provisions of The Mechanics' Lien Act with the exception that a lien could not be attached to property of the Crown. In the fiscal year 1981/82 63 such actions were handled by the Branch.

5. Expropriations
Over the last number of years the Branch developed expertise in the area of expropriations. On behalf of the Ministry of Transportation and Communications and the Ministry of Government

Services, the Branch now handles matters before the Land Compensation Board and, if need be, in the courts. In the fiscal year 1981/82 22 such matters were handled.

6. Boards and Tribunals
The Branch provides counsel service and advice to various boards and tribunals, for example, the Game and Fish Hearing Board, the Environmental Assessment Board, the Ontario Municipal Board, the Criminal Injuries Compensation Board.

The Ontario Human Rights Commission continues to make use of the Branch. Counsel have appeared on behalf of the Commission on Boards of Inquiry ordered by the Minister of Labour to investigate alleged breaches of the Ontario Human Rights Code.

7. Her Majesty's Proctor
Pursuant to the Matrimonial Causes Act, the position of Her Majesty's Proctor was created to provide an independent officer to assist the courts in divorce actions and other related matrimonial causes. Counsel within the Branch appear regularly in respect of applications made by a spouse in a divorce action to prevent the issuance of a decree absolute. The courts also have called upon the Queen's Proctor for assistance in pending matrimonial matters. At present, the Queen's Proctor is the Director of the Branch, Julian Polika. In the fiscal year 1981/82 86 Queen's Proctor matters were reviewed and counsel within the office actively dealt with 22 of these.

8. Provincial Prosecutions
The Branch has been called upon to conduct provincial prosecution cases involving a particular area of expertise or when the matter transcends county boundaries. In particular, prosecutions have been conducted on behalf of the Ministry of Natural Resources under The Game and Fish Act and related statutes. In the fiscal year 1981/82 18 such prosecutions were conducted.

9. Advisory Services – Providing legal opinions
The Branch, in response to specific inquires from the ministries, provides legal opinions on a wide variety of subjects involving interpretation of Provincial statutes. These opinions may also be prepared with a view to establishing a position for a ministry in anticipation of litigation, or as a result of litigation. In the fiscal year 1981/82 178 opinions were provided.

10. Legislative Advice
The Branch is frequently involved in the preparation of legislation where a change may be necessitated by a court judgment. This requires constant liaison with the ministries concerned in order to ensure that the legislative changes conform to judicial pronouncements as well as to the needs of a ministry. In addition, in relation to statutes administered by the Ministry of the Attorney General, legal officers are expected to recommend necessary changes and to work with the Policy Development Division and with the Legislative Council's office to see that those changes are carried out.

On a day-to-day basis, legal officers answer public inquiries pertaining to statutes, administered by the Ministry.

11. Solicitors Work
The Branch provides a full range of solicitor's services to the ministries and, in particular, to the Ministry of Tourism and Recreation, which does not have its own legal branch. The Branch has conducted all solicitor's services for Ontario Place Corporation.

12. Petitions to Cabinet
Counsel in the Branch are responsible for preparing petitions to Cabinet originating primarily because of statutory provisions in The Ontario Municipal Board Act and The Ontario Highway Transport Board Act. In the fiscal year 1981/82 126 such matters were received.

Forecast of Operational Activities

The Branch does not develop new programs and activities. The Branch, for practical purposes, simply renders legal services on behalf of the Government.

It is anticipated that during the fiscal year 1982/83 the Branch will handle some 2,500 new cases in addition to the ongoing 3,320 cases. It is not possible to determine with any accuracy the actual increase as Branch work is determined by unpredictable factors.

The Branch is in the process of taking on the additional responsibility for the Reciprocity Office presently responsible for the enforcement of foreign maintenance orders, the service of foreign court documents and related matters. The activity in this area is expected to increase dramatically with the implementation of the

Hague Convention pertaining to child custody matters.

French Language Instruction

In the fiscal year 1981/82 lawyers on staff were on French-language courses. This program will continue through 1982/83. The program is in keeping with the introduction of the French language into the court process in Ontario.

Common Legal Services

J. B. Gleason, Q.C.,
Director

Legal Services to Ministries

The Common Legal Services program involves the provision of legal services to all Ontario Government ministries. The Director is responsible for the development of a unified approach to legal opinions, evaluation of legal services provided and career development.

There are 134 lawyers in the 21 legal branches located in the various ministries, varying in size up to 17 lawyers, all of whom are employed by Common Legal Services on behalf of the Attorney General. In total the Common Legal Services has 238 professional, secretarial, clerical and para-legal persons in its employ.

Common Legal Services is also responsible for retaining private sector counsel where such services are required by the Government.

Professional Development

Professional development of lawyers is a continuing objective of Common Legal Services.

Attendance at educational programs offered by the Canadian Bar Association, The Law Society of Upper Canada and The Advocates Society, provides opportunities for lawyers to keep up with the changes in the law. Movement of lawyers between legal branches and promotion of employees within Common Legal Services are on the increase, creating more career opportunities for government lawyers.

Liaison with Boards, Official Guardian, Public Trustee

The Director has a liaison responsibility between the Ministry and the Assessment Review Court, the Land Compensation Board, the Ontario Municipal Board, the Board of Negotiation and the Criminal Injuries Compensation Board, the Official Guardian and the Public Trustee.

Office of The Official Guardian

L. W. Perry, Q.C.,
Official Guardian

Function

The Official Guardian provides legal services for minors, unborn and unascertained persons, mental incompetents and absentees in accordance with the provisions of Section 107(2) of The Judicature Act and Section 20 of The Child Welfare Act.

General

The Office has a regular staff of 67 and seven law students. It also uses the services of lawyers who act as agents throughout the Province. It employs Children's Aid Societies outside Toronto and freelance social workers in Toronto to assist in investigation and preparation of reports in the increasing number of divorce and custody actions.

The Official Guardian provides independent representation for children in matters arising out of the Unified Family Court Project in Hamilton as well as representation for unrepresented mentally incompetent persons who refuse medical treatment under the Mental Health Act.

Under Section 20 of The Child Welfare Act, which was implemented on February 1, 1980, the Official Guardian provides independent legal representation for children in protection cases in the Family Court. This program includes the utilization of 550 members of the private Bar under the supervision of this office in addition to service provided by members of the Branch legal staff.

The Official Guardian is also required by The Child Welfare Act to determine what action should be taken against child abusers.

Increasing Demand

The Official Guardian contributes to developments in family and child law and attempts to meet new, related responsibilities and challenges.

Judges are appointing the Official Guardian to represent children in custody and access proceedings. This is a growing and onerous responsibility.

The Ministry of the Attorney General

A major concern is the adoption of children of unwed mothers whose consent to adoption is required. The Official Guardian provides legal advice to these mothers before they consent to adoption. This important and far-reaching service tends to curb improper placements of children by lawyers and doctors who might inadvertently or otherwise take advantage of unwed mothers to the serious detriment of the infants.

Report of Operations

The statistical data for the fiscal year 1981-82 and for the calender years 1978 through 1981 is as follows:

Surrogate Court Audits	1978	605	(Increase in 1978)	11
	1979	571	(Decrease in 1979)	34
	1980	510	(Decrease in 1980)	61
	1981	538	(Increase in 1981)	28
Fiscal Year 1981-82 – 539				
Matrimonial Causes New Matters	1978	13,733	(Increase in 1978)	310
	1979	14,333	(Increase in 1979)	600
	1980	13,348	(Decrease in 1980)	985
	1981	13,781	(Increase in 1981)	433
Fiscal Year 1981-82 – 13,983				
Number of Payments into Court	1978	274	(Decrease in 1978)	11
	1979	287	(Increase in 1979)	13
	1980	254	(Decrease in 1980)	33
	1981	187	(Decrease in 1981)	67
Fiscal Year 1981-82 – 200				
New Fiats authorizing payments out of Court for maintenance and other purposes	1978	464	(Increase in 1978)	6
	1979	475	(Increase in 1979)	11
	1980	607	(Increase in 1980)	132
	1981	696	(Increase in 1981)	89
Fiscal Year 1981-82 – 747				
Number of Payments out of Court pursuant to existing Fiats	1978	1,864	(Decrease in 1978)	19
	1979	1,856	(Decrease in 1979)	8
	1980	1,944	(Increase in 1980)	88
	1981	2,002	(Increase in 1981)	58
Fiscal Year 1981-82 – 2,062				
General Counsel Work in Matters arising out of: Variety of Statutes effecting the legal civil rights of children in estate and other matters	1978	1,330	(Decrease in 1978)	680
	1979	1,299	(Decrease in 1979)	31
	1980	1,445	(Increase in 1980)	146
	1981	1,500	(Increase in 1981)	55
Fiscal Year 1981-82 – 1,455				

Child Representation in Custody and Access Matters				
	1978	172	(Increase in 1978)	45
	1979	200	(Increase in 1979)	28
	1980	300	(Increase in 1980)	100
	1981	310	(Increase in 1981)	10
Fiscal Year 1981-82 – 319				
Child Representation in Child Welfare Matters				
	1979	556		
	1980	2,260	(Increase in 1980)	1,704
	1981	3,081	(Increase in 1981)	821
Fiscal Year 1981-82 – 3,166				

New Miscellaneous Matters:

Numerous attendances, telephone inquiries and extensive correspondence, both with solicitors and the public about how to deal with the personal and financial welfare of infants.

The total number of New Matters and Cases in the Years

1978	19,642
1979	19,577
1980	20,668
1981	22,095

Fiscal Year 1981-82 – 22,471

Forecast of Operational Activities

The Office of the Official Guardian will continue to render legal services on behalf of persons under a legal disability consisting mainly of minors and mental incompetents. It will also keep abreast of and contribute to developments in family and child law and exercise its specific responsibility to provide independent representation in relation to the Unified Family Court Project in Hamilton. A branch activity will continue to be the implementation of Child Representation in Part II applications under The Child Welfare Act. This program will involve not only an accelerated delivery of legal services in these matters by staff counsel but also the development, administrating, and monitoring panels composed of some 550 solicitors from the private bar who provide this service throughout the Province.

Representation of children in custody issues will substantially increase.

Forecast of the Program and Activities for the Fiscal Year 1982-83 and the Three Succeeding Years:

Surrogate Court	1982-83	600
	1983-84	600
	1984-85	600
	1985-86	600
Matrimonial Causes New Matters	1982-83	14,500
	1983-84	15,000
	1984-85	15,500
	1985-86	16,000
Payments into Court	1982-83	300
	1983-84	300
	1984-85	300
	1985-86	300
New Fiats Authorizing Payments out of Court for Maintenance and Other Purposes	1982-83	750
	1983-84	800
	1984-85	850
	1985-86	900
General Counsel Work	1982-83	1,400
	1983-84	1,500
	1984-85	1,600
	1985-86	1,700
Child Representation in Custody and Access Matters	1982-83	350
	1983-84	450
	1984-85	550
	1985-86	650
Child Welfare Counsel Work	1982-83	4,000
	1983-84	4,500
	1984-85	5,000
	1985-86	5,500
Payments out of Court Pursuant to Existing Fiats	1982-83	2,100
	1983-84	2,200
	1984-85	2,300
	1985-86	2,400

The Ministry of the Attorney General

Public Trustee

A. J. McComiskey,
Public Trustee

The Public Trustee performs duties under some 28 Statutes. The main responsibilities lie in:

(a) the administration of estates of persons who die in Ontario intestate and without next of kin in the province;

(b) gathering in assets on behalf of the Crown pursuant to the Escheats Act where there is no known owner;

(c) maintaining a general supervisory role over Ontario charitable organizations, by reviewing the accounts and financial statements of charitable organizations, attending on court motions for interpretation of wills where charities may have an interest, and by performance of duties under the Mortmain and Charitable Uses Act, the Charities Accounting Act and the Charitable Gifts Act;

(d) administering the estates of individuals pursuant to a Power of Attorney where the individual is mentally competent but by reason of age, infirmity or geographical location is unable to look after his or her own business affairs; by voluntary appointment by a patient upon admission to a psychiatric facility, as statutory committee pursuant to the Mental Health Act where a patient is certified as incompetent under that Act upon admission to a psychiatric facility or as the court appointed committee under the Mental Incompetency Act.

Unlike most government agencies, the Public Trustee does pay all of its operating expenses out of income received from legal fees, compensation as executor, administrator or committee and from interest received from investments.

As at March 31, 1982 the Public Trustee had total assets under administration of $272,102,282 made up as follows:

Estates and Trusts

Cash in bank	$ 58,750
Funds invested (schedule A)	87,945,770
Bonds	85,752,666
Stocks	5,956,273
Mortgages receivable	4,108,571
Real estate	28,611,940
Pensions and life insurance	37,612,713
Miscellaneous	3,015,163
	253,061,846
Deduct mortgages payable	893,329
	252,168,517

Administration Fund Account (note 2)

Cash in bank	68,765
Funds invested (schedule A)	19,865,000
	19,933,765
	$272,102,282

Those assets are administered on behalf of estates and trusts as follows:

Estates and Trusts

Patients' estates	$194,702,482
Crown estates	16,918,983
Deceased persons' estates	5,065,809
Probable escheats	7,743,761
Special trusts and charities	16,280,772
Corporate estates	5,192,858
Crown companies	583,527
Indian trusts	185,589
Unclaimed balances	391,042
Cemetery trusts	5,038,843
Child welfare trusts	64,851
	252,168,517

Administration Fund Account

Current liabilities	505,698
Assurance fund (note 3)	200,000
Surplus	19,228,067
	19,933,765
	$272,102,282

The operation of the office of the Public Trustee again earned a substantial profit for the fiscal year ended March 31, 1982, as shown by the Statement of Revenue and Expenditure set out below:

Revenue

Fees collected	
Patients' estates	$3,251,958
Crown estates	492,021
Deceased persons' estates	112,592
Probable escheats	97,646
Crown companies	19,368
Special trusts	162,571
Corporate estates	14,304
Cemetery trusts	22,200
Charities	50,776
	4,223,436

Bank interest	6,627
Income from funds invested, net (schedule B)	4,926,690
	9,156,753
Expenditures	
Salaries	3,181,875
Employee benefits	496,177
Transportation and communication	104,333
Services	629,395
Supplies and equipment	111,090
	4,522,870
Excess of Revenue over Expenditures	$4,633,883

Generally, the work of managing estates is labour oriented. Thanks to a knowledgeable, experienced and conscientious staff, the task was well performed in this fiscal year.

There are some areas, however, where the Public Trustee might well give better or additional service to the public but with respect to which no statutory authority presently exists, including the following:

(1) Complaints are received particularly from Alzheimer patients or their families that under the Powers of Attorney Act authority of the attorney is terminated upon the patient being certified under the Mental Health Act. This frequently results in an application having to be made for appointment of a committee under the Mental Incompetency Act at some considerable expense to the patient's estate;

(2) It appears that there are a substantial number of elderly persons in nursing homes, chronic-care hospitals or in the community who could use the services of the Public Trustee, but there is no speedy inexpensive method for the appointment of the Public Trustee to perform these duties;

(3) There are an increasing number of patients who require elective surgical procedures, but for whom there is no person available to give the consent required under the present legislation;

(4) In proceedings before the Family Court, particularly with respect to custody or wardship, there is no adequate provision for representation of an incompetent spouse;

(5) Legislation dealing with charitable organizations has not had a comprehensive review for some time. Although the Mortmain and Charitable Uses Act has been repealed, consideration should be given as to whether the remaining charitable legislation provides adequate direction and control in the present financial and taxation climate;

(6) As a result of the discharge or death of patients in psychiatric facilities, there are a substantial number of estates in which small balances remain unclaimed. Experience indicates that these sums are not likely to be claimed at any time in the future, and some arrangement should be considered for their disposition.

Details of Funds Invested as at March 31, 1982

Schedule A

	1982	1981
Bank term deposits	$ 16,700,000	$ 11,818,690
Bonds (schedule C)	88,637,762	88,625,520
Accrued interest	2,416,373	2,190,678
Cash in bank	56,635	90,882
	$107,810,770	$102,725,770
Allocated as follows:		
Estates and Trusts	$ 87,945,770	$ 87,745,770
Administration Fund account	19,865,000	14,980,000
	$107,810,770	$102,725,770

The Ministry of the Attorney General

Income from Funds Invested Year Ended March 31, 1982

Schedule B

	1982	1981
Interest earned on investments	$ 10,494,887	$ 9,583,453
Interest earned on bank accounts	236,326	221,782
	10,731,213	9,805,235
Deduct interest allowed	5,804,523	5,868,697
Income from funds invested, net	$ 4,926,690	$ 3,936,538

Details of Bonds as at March 31, 1982

Schedule C

	Par value	Amortized cost
Province of Ontario	$ 13,450,000	$ 13,435,820
Ontario Hydro	75,687,000	75,201,942
	$ 89,137,000	$ 88,637,762

COURTS ADMINISTRATION DIVISION

Brian W. McLoughlin,
Assistant Deputy Attorney General
and Director of Courts Administration

M. S. Fitzpatrick,
Inspector of Legal Offices and
Deputy Director of Courts Administration

Responsibilities

The Assistant Deputy Attorney General and Director of Courts Administration is responsible for the administration of the courts in Ontario including:

- ensuring the provision of adequate administrative services to all courts, including direction to sheriffs and courts registrars, Criminal and Family Court administrators, Small Claims clerks and baliffs;
- maintaining liaison between the Ministry of the Attorney General and the judiciary, and the processing of judicial appointments to the Provincial Courts;
- regulating the appointment of commissioners for taking affidavits, notaries public and justices of the peace;
- provision of court reporting for all courts and supervision of court reporters and special examiners;
- liaison with the Ministry of Government Services and the responsibility for court accommodation;
- French-Language Services in the courts;
- overseeing the Ministry's interest in the Native Courtworker Program.

Supreme, County and District and Surrogate Court Offices

R. W. Schurman,
Director

B. C. Pitkin,
Deputy Director

The office of the director provides administrative direction for the Supreme, County and Surrogate Courts and Sheriffs' offices. In liaison with a regional co-ordinators' council, the office develops and implements Ministry policy relating to procedures and methods, and provides for the day-to-day delivery of the program.

In addition to the Courtroom Procedure and the Supreme and County Court Flow Chart manuals that were introduced in the 1979-80 fiscal year, the branch issued a Policy Directives manual this year for Court Clerks and Sheriffs. The manual is of loose-leaf design and will be expanded and updated as required. The manual is proving extremely useful in promoting greater uniformity of practice throughout the Province.

In response to the difficulty of providing consistent responses to execution searches, a guideline was developed that will ensure that execution searches are conducted in a uniform manner throughout Ontario. The guideline was developed with the assistance of the Crown Law Office – Civil and becomes effective on May 1, 1982. The introduction of the guideline has the second advantage of making computerization of the Sheriffs' search system a possibility.

Training seminars were conducted on a regional basis during this fiscal year for Sheriffs and Local Registrars. The seminars were aimed at resolving specific difficulties being experienced by officials. They proved very successful and have assisted in promoting uniformity of practice.

Court Reporting Services

Tom Moran,
Manager

The manager is responsible for provision of administrative control and direction of all reporting services to all courts in the province, including special examinations and certain boards and commissions. The manager is also responsible for the establishing of reporting standards, the development of reporter training programs and the development and implementation of approved policies and the provision of direction and support to the offices of Special Examiners in Toronto, Ottawa, Windsor, Hamilton, St. Catharines and Timmins.

There are currently 370 staff reporters supplemented by about 320 freelance reporters in the province. Shorthand and Stenomask continue to be the prime reporting method, with electronic recording systems being used primarily in provincial offences courts and examinations for discovery.

Because of the increase in trials being conducted in both official languages the development of reporters with bilingual capabilities continues to receive priority. As a result of our efforts in this area we have been able to increase the Ministry resources to the point where bilingual reporting services are available province-wide.

With the co-operation of the Court Reporters' Association of Ontario a Manual of Court Reporting has been developed, covering all aspects of reporting and standardizing reporting and transcribing procedures. In order to familiarize reporters with the manual a number of workshops are being conducted in various centres throughout the province. The Court Reporters' Association has also worked closely with the Ministry in implementing a training and certification program for all reporters using electronic recording systems.

The George Brown College court reporting course continues to be the main source of trained court reporters. With the co-operation of the chief County Court reporter a number of reporter graduates from this course have been brought into the system on a student trainee basis. When their skills are fully developed to the required level they are used on a freelance basis to supplement our regular reporting staff.

The Chartered Shorthand Reporters' Association continues to offer an opportunity to Shorthand reporters to upgrade their skills to C.S.R. standards by conducting special classes on Saturday mornings.

Provincial Court Offices

A. K. Mackay,
Director

D. J. Pringle,
Deputy Director

The administrative staff of the Provincial Court Offices provides clerical, stenographic, court support and court reporting services for the Provincial Courts, both Criminal and Family Divisions, and the Provincial Offences Courts (combined with criminal division courts). The staff also provides accounting, recruitment, training and other services required by the Ministry.

Government constraints over the past several years have increased the pressure on the court managers and has required a great deal of managerial skills to cope with increasing workload with fixed manpower resources.

Family Court Office Standards

Family Court office standards have been in place since January 1, 1980. A review of the initial program took place during this past year. A committee consisting of three Family Court administrators was established to review the manual and make recommendations for changes. All Family Court administrators throughout the province were encouraged to participate. A yearly review is anticipated.

Criminal Court Office Standards

Criminal Court office standards were also reviewed by a committee of three Court Administrators, with input from court administrators throughout the province. The manual is reviewed and updated annually.

Provincial Offences Act

The Provincial Offences Act, which came into effect on March 31, 1980, has extensively changed the procedures covering the prosecution of the provincial statutes and municipal by-laws (excluding parking). The majority of absentia trials have been eliminated and the court time for Justices of the Peace and police has been greatly reduced.

Caseload

The caseload in the Provincial Courts (Criminal Division) throughout the province has stabilized. Pending caseload has shown a major improvement, in particular, in Criminal Code and Narcotic cases. Based on statistical data, the numbers of charges received in the Family Courts has shown no significant increase over the last year.

New Court Systems and Methods

The mini-computer system implemented in Oshawa three years ago has proven very successful. Oshawa now has the highest production for court staffs in the province. Management Board has approved implementation of a similar system in Hamilton, Ottawa, Peel Region, Windsor, London, Kitchener-Waterloo and Newmarket. A starting date in June, 1982, is scheduled for Hamilton to be followed by

Peel	August, 1982
Ottawa	September, 1982
Newmarket	November, 1982
London	January, 1983
Windsor	March, 1983
Kitchener-Waterloo	June, 1983

A link-up with the main computer system in Toronto, which is to be upgraded, is expected within a few years. Including the Toronto office, the above centres process approximately three million of the four million cases handled each year by the Provincial Court (Criminal Division) in Ontario.

Provincial court offices process a tremendously high volume of public inquiries in cases ranging from parking violations, H.T.A. violations and major criminal cases. The new system, not only makes retrieval of information in seconds, thereby providing better service to the public on inquiries, but also updates records, produces court lists, notices to the public and driving license suspension orders. It also improves the scheduling of traffic court cases as well as producing financial and management reports on the court.

Training and Staff Development

The Provincial Courts have continued their participation in the Ministry's Management Development Program. The continuing development of basic management skills, effective communications, organization and managerial behaviour, performance problems and assertive management is one of the reasons many of the new programs have been implemented so successfully. This training is provided in co-operation with the Ministry's Human Resources Management Branch and Sheridan College of Applied Arts and Technology. The program ensures a continuing managerial development program for our managers and staff, commencing at Phase I and moving through in stages to Phase VI.

In June, 1982, the first group of participants will be receiving their Business Management Studies Certificates from Sheridan College, having completed all six phases of the Management Development Program. The 38 graduates will include personnel from the Provincial and County Courts, Sheriff's office and Assessment Review Court and some Head Office personnel.

The Workshop for Bookkeepers was again offered this year to those individuals assigned as bookkeepers or related functions, and also those persons seeking a career change.

The Customer Relations Workshop, which was developed for personnel from the Metropolitan Toronto Criminal Court and Family Court offices, has been expanded to areas outside of Toronto. A special course has been designed for supervisors and assistant supervisors. These courses provide insight and techniques for supervisors and staff in communication skills and in dealing with the thousands of persons who attend the courts daily.

In addition to the above, numerous employees participated in courses offered by the Civil Service Commission. Tuition assistance for courses in various colleges and universities was furnished to those employees wishing to attend to further their careers.

Staffing Standards

Staffing standards have now been established in the Provincial Court Criminal Divisions offices, as well as the Family Courts and Combined Family and Criminal Court offices. These will be reviewed annually and adjustments made accordingly.

Small Claims Courts

Ron McFarland,
Director

The Director of Small Claims Courts provides administrative direction to 121 Small Courts and four Divisional Offices of the Provincial Court (Civil Division) throughout the Province. The Director is responsible for the planning and preparation on the needs of the Courts, both Judicial and Administrative and for filling staff vacancies.

Activity

During the latter part of 1981, an in-depth evaluation of the Provincial Court (Civil Division) was conducted to determine the strengths and weaknesses of the "new system" by the Judiciary and users of the Courts. While the results have not been published, it is apparent that the general public and litigants are satisfied with the Court. The Court has met the goals that were laid down, i.e. accessibility to Courts, reducing the expense and delay of litigation.

As reported last year, 23 Courts were designated as Bilingual Courts. To this number, an additional 14 Courts were added.

Designated County/District Judicial District	Small Claims Court
Algoma	*1 Sault Ste. Marie
	*3 Thessalon
	4 Wawa
	7-8 Elliot Lake
Cochrane	1 Cochrane
	2 Timmins
	4 Kapuskasing
	6 Iroquois Falls
Essex	*2 Amherstburg
	*5 Kingsville
	7 Windsor
Niagara South	1 Welland
	4 Niagara Falls
Nipissing	1 Sturgeon Falls
	3 North Bay
Ottawa-Carleton	7 Ottawa
Prescott-Russell	7 Hawkesbury
	10 Rockland
Renfrew	*1 Pembroke
	*3 Renfrew
	*4 Arnprior
	*7 Killaloe
Stormont, Dundas & Glengarry	2 Alexandria
	3 Cornwall
	*6 Iroquois
	*10 Winchester
Sudbury	1 Sudbury
	3 Espanola
	5 Chapleau
Timiskaming	1 Haileybury
	3 Englehart
	4 Kirkland Lake
York	*Provincial Court (Civil Division)
	*Toronto
	*Etobicoke
	*North
	*Scarborough

*Additional Courts

New Initiatives

Staffing Standards

The necessary criteria for developing staffing standards for the Small Claims Courts and Courtroom has been determined. It is the intention of the Ministry to establish these standards in the larger volume offices in the next fiscal year.

Training and Staff Development

As reported last year, the Ministry has commenced to up-date the manuals of operations for clerks and bailiffs, new or revised forms have been developed and introduced into the system. When the manuals are completed, a series of seminars will be given in regional districts throughout the province.

New Court Systems and Methods

During the past year, the Ministry has studied the viability of introduction of mini computers in the Small Claims Court offices. It is the intention of the Ministry to implement a system for use in Metropolitan Toronto in the coming year.

Small Claims Court Judges

Number of Full-Time Judges	11
Judicial District of Hamilton-Wentworth	1
Judicial District of Niagara North and South	1
Judicial District of Ottawa	1
Judicial District of York	8

Courts and Office Accommodation Planning

W. M. Thomson,
Administrator

This branch provides general administration of all court and office accommodation throughout the Province, as well as liaison with the Ministry of Government Services in all capital, leased and alteration projects required by the courts.

Projects Completed

Enlarged court facilities and a holding area were provided for the Provincial Courts (Criminal and Family Division) in Picton.

An extension to the Bracebridge County Court House provided one courtroom for the Provincial Court (Criminal Division) as well as additional waiting and interview space.

An additional courtroom was provided for the Provincial Court (Criminal Division) in Windsor.

Pending enlargement and renovations to the Provincial Court (Criminal Division) in Brampton, an interim courtroom was provided in the Registry Office.

A three-courtroom Provincial Court (Criminal Division) facility with administrative, interview, waiting, police and holding areas was completed in North Bay.

In Moosonee, Provincial Court (Criminal and Family) facilities were provided in the Government Consolidated Building.

A one-courtroom Provincial Court (Family Division) facility with supporting office space was provided in Oakville in the extension to the City Hall.

In Kenora more adequate Law Association and interview facilities were provided in the District Court House.

Interim office space was provided in L'Orignal for the Crown Attorney pending relocation to the County Building.

Improved lighting was provided for Courtroom #1 in Peterborough.

Additional space was provided at 180 Dundas Street West for the Official Guardian.

Under Construction

Construction is well underway on the St. Catharines Court House with completion scheduled for late 1983. The Court House will accommodate Supreme, County, Provincial Courts (Criminal and Family Divisions) and Small Claims Court.

Renovations and re-alignment of office space at 18 King Street East is underway.

Construction is in progress to expand the present Provincial Court (Criminal Division) facilities at 141 Clarence Avenue, Brampton, from a five-courtroom to an 11-courtroom facility.

A relocation of court support functions from the County Court House to the adjacent expansion space within the Court House is underway in Sudbury.

Construction to provide three-courtrooms for Provincial Court (Criminal Division) and Small Claims Court is underway in Hamilton.

In Cambridge construction is underway for relocation of the Provincial Courts (Criminal and Family Divisions).

In Kingston a three-courtroom Provincial Court (Criminal Division) facility complete with all support functions and holding areas is under construction in the Government Consolidated, McDonald-Cartier Building.

Work started on the provision of office accommodation for the Public Complaints Commission in Toronto.

Additional space for the Sheriff is under construction in the Northumberland County Court House, Cobourg.

Construction is underway in the Hamilton-Wentworth County Court House, Hamilton, to provide additional jury deliberation room, a new elevator and proper security circulation.

In Planning/Lease Search/Negotiations

In Timmins negotiations have been concluded to obtain additional space for the District and County to provide more efficient space utilization and construction will begin in the near future.

Potential sites have been identified in Welland for the relocation of the Provincial Court (Criminal Division).

Lease negotiations have been concluded to provide a three-courtroom Provincial Court (Criminal and Family Division) facility in Peterborough.

In Chatham lease negotiations have been concluded to relocate the Provincial Court (Family Division) facilities.

A site has been determined for the relocation of the Provincial Court (Criminal Division) in Oshawa and negotiations are continuing.

A potential site has been identified for the Provincial Court (Criminal Division) in Whitby and Design Services have been requested.

Advanced design sketches are being prepared for a Court House in Ottawa to house Supreme, County, Provincial Courts (Criminal and Family) and Small Claims Court.

Studies are underway for additional facilities, utilizing the seventh floor of the York County Court House in Toronto.

Contract documents have been completed and tenders will be called in the near future for a one-courtroom, Provincial Court (Criminal Division) extension to the Parry Sound County Court House.

A feasibility study has been concluded for the expansion and consolidation of court facilities in Orangeville. Dufferin County will appoint an architect to prepare contract documents.

A lease search is continuing for appropriate premises for additional Provincial Court (Family Division) facilities in Metro Toronto. Contract documents have been completed and tenders will be called in the near future for air conditioning in the County Court House, Chatham.

Contract documents have been completed for a connecting link between the County Court House and Registry Office in Sudbury.

In Thunder Bay, a list of requirements for the County Court House, is being prepared.

Additional space for the County Court House in Walkerton has been identified and planning will start in the near future.

Additional chamber space is being sought for Small Claims Court Judges in Toronto.

In Alexandria a lease search is being conducted for the Provincial Court (Criminal Division)

Planning is presently in progress for interim space for the Provincial Court in Collingwood during the retrofit of municipal building by the Town of Collingwood. Negotiations are also underway regarding more adequate facilities for the Courts in the renovated municipal building.

A lease search is in progress in Smiths Falls to provide office space for the Provincial Court (Family Division) Judge.

Contract documents have been completed and tendering is scheduled in the near future for renovations to the Provincial Court (Criminal Division), Old City Hall.

Provincial Courts (Criminal Division)

Chief Judge F. C. Hayes
Associate Chief Judge H. A. Rice

Court Sittings

During the past fiscal year, the Provincial Courts (Criminal Division) continued to hold sittings on a regular basis at approximately 149 locations throughout Ontario with multiple courtroom establishments at approximately 25 locations. The court was faced with a continuing change in the nature of the caseload, such as a greater number of substantial prosecutions arising from complex commercial transactions, more charges where a number of individuals are jointly charged with criminal and/or narcotic offences and an increasing number of prosecutions under miscellaneous federal and provincial statutes.

There have been continuing efforts made throughout the Province to maximize the use of available judicial personnel and facilities by introducing a number of changes in court scheduling procedures. In addition, substantial emphasis continued to be placed on an early review of the nature of the case by both Crown and Defence Counsel with a view to narrowing the issues before the court so as to more accurately estimate the amount of court time required for the trial or preliminary hearing.

Efforts continue to be made by the Chief Judge's office to obtain a degree of uniformity in the time

between the laying of the Information and the return date for the accused to appear.

The statistical analysis representing the caseload is only a partial assessment of the problem. Over the past few years, there has been a discernible change in the nature of the caseload in that there are many lengthy criminal prosecutions, be they trials or preliminary hearings, and this has been reflected in the special assignment of judges to various areas of the province to deal with matters which could not be accommodated in the ordinary court list.

In Metropolitan Toronto, the number of courtroom days allocated to special criminal prosecutions (i.e. cases occupying one day or more) totalled approximately 849 in 1981-82. Special matters being prosecuted by representatives of the federal Department of Justice accounted for 164 courtroom days and special matters being prosecuted by Provincial Assistant Crown Attorneys accounted for 658 courtroom days in 1981-82. The movement of judges from Metropolitan Toronto to other areas for special relief increased by some 31.89 per cent from 812 days in 1980-81 to 1071 days in 1981-82. Included in the 1981-82 figure are additional sittings of the court on a regular basis in Brampton, Dundas, Kitchener and Newmarket.

The demand continued for the court to attend in remote communities in Northwestern and Northeastern Ontario, and this demand was met in most instances by scheduling special sittings. An increase over the past few years in the level of law enforcement has led to a greater number of charges and we have been unable to meet all the demands for additional sittings in various areas of Northwestern Ontario.

Provincial Offences Act

The Provincial Offences Act and the companion amendments to the Provincial Courts Act, which legislation resulted in the establishment of the Provincial Offences Court, were proclaimed as of March 31, 1980.

The sittings of the Provincial Offences Court were established on a four-tier system at most locations throughout the province with the sittings being at 9 a.m., 10:30 a.m., 1:30 p.m. and 3 p.m. This results in a more intensive use of the physical facilities and in the citizen who is charged and all necessary witnesses only being required to attend at the court premises for not more than 1½ hours.

The provisions of the Provincial Offences Act provide the defendant with an opportunity of pleading guilty with an explanation in a plea of guilty courtroom. The sittings of the Provincial Offences Court for the purpose of accepting pleas of guilty with an explanation have been established at various court locations throughout the province on such a basis as to afford the defendant an opportunity to plead guilty with an explanation within a 15-day period.

The provisions of the Act requiring the defendant, if he wishes to plead not guilty, to indicate his decision within 15 days has resulted in improved scheduling procedures and a more efficient use of personnel and physical resources.

Court Visitations

The Chief Judge visited a number of areas of the province where he met with the Area Senior Judges and with the Provincial Judges. The Area Senior Judges also held their regional meetings, and the Chief Judge attended these meetings wherever possible.

In all meetings there has been a continuing study of the local criminal and provincial statutory offence caseload and various alterations have been made to case scheduling methods in order to achieve an earlier disposition date and a more efficient use of judicial personnel, administrative personnel and physical facilities.

Bilingual Court Services

On proclamation of Bill C-42, arrangements were completed to provide a trial, and where resources are available on a consent basis, a preliminary hearing, before a French-speaking or a bilingual judge when so requested throughout the Province of Ontario. This is an expansion of the bilingual service which was being provided in certain areas of the province where trials were proceeding before a French-speaking or bilingual judge on a consent basis.

Pursuant to the provisions of the Judicature Act certain Provincial Offences Courts have been designated for the provision of bilingual trials.

Adjournments in the Provincial Courts (Criminal Division)

The practice direction by the Honourable W.G.C. Howland, Chief Justice of Ontario, with respect to adjournments in the Provincial Courts has continued to be of very substantial assistance in

facilitating the setting of trial dates and has resulted in fewer trials not proceeding on the appointed day.

Judicial Education

The Office of the Chief Judge continued to review judgments of the Court of Appeal and law reports and to circulate matters of interest to the judges. The Law Clerk assigned to the staff of this office continued to prepare appropriate annotations for recently reported judgments and to carry out research in areas of criminal law relevant to the Provincial Courts (Criminal Division), including rendering assistance to judges in their preparation of judgments.

The Judges Education Program was held at the University of Western Ontario again this year. This program permits a judge, once every three years, to live for one week in a university setting and to participate in a program consisting of lectures, discussions and videotapes.

The Provincial Judges Association (Criminal Division) continued with its education program composed of regional education and sentencing seminars.

The judges of the court have, with the co-operation and assistance of the Chief Justice of Ontario and the members of the Court of Appeal, attended in groups of six to observe the presentation of Criminal Appeals and thereafter meet with the members of the court.

A number of judges also attended at conferences and seminars sponsored by such organizations as the Canadian Association of Provincial Court Judges, the Canadian Institute for the Administration of Justice and the Canadian Bar Association.

Judicial Appointments

	As of Mar. 31 1977	As of Mar. 31 1978	As of Mar. 31 1979	As of Mar. 31 1980	As of Mar. 31 1981	As of Mar. 31 1981
Provincial Judges in Ontario						
Number of Full-Time Judges, including Chief Judge	128	129	137	141	147	147
Number of Judges Retired or Deceased or on L.T.I.P.	5	8	5	9	5	7
Number of Judges Appointed	15	8	12	12	9	5
Number of Part-Time Judges	2	2	1	1	1	1
Number of Judges on Extension	4	6	5	10	12	14

As of March, 1982, nine of the above Judges were also presiding in the Family Division.

	As of Mar. 31 1977	As of Mar. 31 1978	As of Mar. 31 1979	As of Mar. 31 1980	As of Mar. 31 1981	As of Mar. 31 1982
Provincial Judges in Metropolitan Toronto						
Number of Full-time Judges, including Chief Judge	36	34	40	48	53	50
Number of Full-Time Judges, Deceased or Resigned	0	2	1	2	0	2
Number of Judges Appointed	8	0	7	10	5	1
Number of Judges on Extension	1	2	2	3	2	3

The Ministry of the Attorney General

Statistics

The statistics indicate the following changes within the system:

	1980-81	1981-82
Charges Received – All Statutes		
Metropolitan Toronto	1,979,943	2,577,956
Remainder of Province	1,907,122	1,963,130
Total	3,887,065	4,541,086
Dispositions – All Statutes		
Metropolitan Toronto	1,726,333	2,240,030
Remainder of Province	1,970,980	1,976,037
Total	3,697,313	4,216,067
Dispositions – C.C.C.		
Metropolitan Toronto	113,300	111,187
Remainder of Province	249,094	246,276
Total	362,394	357,463

General Comments

Substantial emphasis is and will continue to be placed on encouraging pretrial disclosure in criminal matters.

In addition to these efforts, we are continuing to have a Provincial Judge or a limited group of Provincial Judges assigned to a particular section of the caseload on a continuing basis until that portion of the caseload has been finalized. This type of assignment and scheduling arrangements, which has been in operation at the additional court facilities at College Park in Toronto since September, 1979, was implemented in the courts at the Old City Hall in September, 1980, and it would appear that it is assisting in achieving an earlier disposition date for the matters coming before the court.

Provincial Courts (Family Division)

Chief Judge H.T.G. Andrews
Associate Chief Judge Robert J. K. Walmsley

Jurisdiction

The current authority of the Provincial Courts (Family Division) includes the following matters:

1. Prosecutions under the federal Juvenile Delinquents Act in respect of the criminal conduct of infant offenders (juvenile delinquency) and criminal conduct against infant victims (contributing to delinquency).

2. Child protection under The Child Welfare Act, dealing with intervention through Children's Aid Societies into a family's life, when its care and

treatment of children fall below certain minimal standards.

3. Adoption under The Child Welfare Act, dealing with the dissolution of old parent-child relationships and the legal establishment of new ones.

4. Inter-spousal rights and obligations under The Family Law Reform Act and The Reciprocal Enforcement of Maintenance Orders Act, covering such things as financial support of a dependent spouse, exclusive possession of the matrimonial home and protection from spousal harassment and molestation.

5. Parent-child rights and obligations under The Children's Law Reform Act, The Family Law Reform Act and The Reciprocal Enforcement of Maintenance Orders Act, such as custody and access, findings of paternity, child support and protection from harassment and molestation by the non-custodial parent.

A massive amendment to The Children's Law Reform Act took effect in the summer of 1982. The amendments codified and reformed Ontario's law of custody and guardianship. Provincial Courts (Family Division) were given jurisdiction to handle matters under this new and expanded statute.

In this connection, a constitutional reference decided by the Supreme Court of Canada in January, 1982, seems to have had some impact on the volume of certain domestic cases coming before the Provincial Courts (Family Division).

The Reference re Section 6 of The Family Relations Act of British Columbia has seriously questioned the constitutional jurisdiction of provincially appointed judges to adjudicate on exclusive possession of the matrimonial home and protection from harassment and molestation. As a result, the trend of legal counsel has been to bring their applications before Courts presided over by federally-appointed judges.

The federal Young Offenders Act (which is to replace The Juvenile Delinquents Act at some unspecified future date, possibly in 1983) will expand the jurisdiction of the courts by its inclusion of crimes committed by 16- and 17-year-old youths. It is still too early to speculate about the impact of the Canadian Charter of Rights and Freedoms on the work of the Provincial Courts (Family Division).

Provincial judges also have the authority to try many offences under the federal Criminal Code and under The Provincial Offences Act of Ontario. Many intra-familial offences (such as domestic assaults and incest) are heard by judges who, while they normally preside over their local Provincial Court (Family Division), reconstitute their court as the local Provincial Court (Criminal Division) or Provincial Offences Court because only the latter courts have the jurisdiction to hear these criminal and regulatory matters.

Administration

Judicial and administrative activities of the Family Division Courts were carried out by 73 judges.

Chief Judges	2
Full-Time Family Division Judges	57
Full-Time Family Division Judges on Leave of Absence	2
Part-Time Judges	1
Per Diem Judges	2
Judges Serving Both Criminal and Family Divisions	9
Total	73

(Unified Family Court complement continues at 4)

The following changes in the Judicial Roster took place during the year:

Judicial Appointments	4
Judicial Retirements	2
Extensions of Service	3

Three staff members were appointed Justices of the Peace between April, 1981, and July, 1981.

There are 37 full-time Family offices and 17 combined Family and Criminal Division offices. These 54 offices provide the support services for sitting which are held at 121 locations throughout the province.

Final Dispositions

	1980/81	1981/82
Family Law Reform Act	37,591	41,990
Child Welfare Act	22,112	19,973
Juvenile Delinquents Act	33,667	32,614
Other Statutes	5,468	5,027
Total	98,838	99,604

The Ministry of the Attorney General

Office of the Chief Judge

This was an active year for the Chief Judge's Office. An additional judge joined the staff bringing the total to four judges in residence.

Two of the judges have served as relief judges throughout the province, sitting 254 days in various locations. This is in excess of time provided by the Chief Judges.

Major papers on consent orders, enforcement, legal representation of children and other topics were prepared.

One-thousand-four-hundred applications were processed for 50 positions in the Experience '81 Program.

Eighty-seven mailings containing 153 judgments as well as memorandums and other miscellaneous material went out to judges, court administrators and other subscribers to the service.

The Chief Judge visited 25 courts during the year; the Associate Chief Judge visited 32.

Preparations were made for the implementation (April 1, 1982) of bilingual trial capacity in 16 locations.

Training and Development

The Ontario Family Court Judges' Association held its Spring Seminar in April, 1981, and its Annual Meeting in September of that year.

Twenty-two judges participated in 15 seminars and conferences in Europe, the United States and Canada.

Budget restrictions prevented the presentation of fall programs of the Judicial Development Institute.

Regional Reports

Northwest Region

The Children's Services of the Ministry of Community and Social Services funds a variety of projects and programs in the region.

The emphasis in locations such as Armstrong, Nakina and Longlac is on family participation.

Day-Care Centres, Mental Health Programs and self-help groups are active at 20 locations within the area.

There has been concern over the termination of funding for the Crisis Intervention Program at Grassy Narrows. This has been an astoundingly successful program, reducing delinquency in the community by 75 per cent.

The Children's Aid Society for the District of Rainy River has organized a number of programs focused on prevention.

There continues to be an extensive use of Community Service orders in the Rainy River area.

The Board of Education in Fort Frances has undertaken The Operation Aware Program. Sponsored by Rotary and directed at fifth and sixth grade students, it aims at teaching children to meet negative peer pressure.

It is regretted that the City of Thunder Bay's Harbour Boy's Club will cease to function in July, 1982. This has been a one-of-a-kind, eight-bed residential facility which has been an alternative to training school.

Excellent juvenile diversion programs are active in The Thunder Bay District. In the City of Thunder Bay over 100 children a year are moving through the program.

In the satellite Courts at Longlac and Geraldton the diversion programs are proving successful to populations of 3,500 each.

The "Teen Family Program" in the City of Thunder Bay had referrals for 472 children and 147 families.

The Observation and Detention Home at Thunder Bay provided 1593 days of care during the past year.

North Central Region

Community problems have prevented the development of an Observation and Detention Home in Timmins. Therefore, children must be brought to Sudbury.

Continual liaison has been maintained with Timmins and Sudbury area offices of the Ministry of Community and Social Services, Children's Division, to assist in better utilizing the precious resources and funds for children in the North Central Region.

Funding has been a problem in the Regional Child Care Centre in Sudbury which services all of the North Central Region. They used to have 10

adolescent beds available and now only have eight, resulting in a crisis situation for youngsters awaiting secure treatment.

A seminar on Juvenile Dispositions was conducted in Sault Ste. Marie in December, 1981, following up on three previous sessions. The seminars deal with what is done with juveniles after a finding of guilty. They inform lawyers and the people they work with of the various choices available in the community.

The number and length of child welfare trials is increasing. Pre-trials are now being held on all long child welfare cases but settlements only being reached in about 50 per cent of the cases.

The court in Sault Ste. Marie has a Prevention Intervention Program (PIP) for first offenders.

Observation and detention facilities and assessments are also available to this court.

The Ministry of Community and Social Services provides a parental support worker to assist in its enforcement program.

The court functions would be greatly enhanced if regular assistance from legal aid duty counsel was available as well as the services of a conciliation worker.

Southwestern Region

Diversion systems are in place within the counties of Bruce, Essex, Grey and Kent.

Facilities for detaining juveniles are available to all of the courts within the region although the facility may be located in another county.

Psychological assessments are obtainable for all of the region's courts.

Parental support workers from the Ministry of Community and Social Services are providing services to all courts with the exception of Perth County.

Legal Aid is available to all courts in the area.

With the exception of the County of Essex, which has an increased backlog, the courts report that they are not experiencing any scheduling problems.

Bruce, Kent and Grey are in need of enlarged premises.

Bruce, Middlesex, Essex and Lambton are in need of counselling and conciliation services. Essex requires a court clinic.

In Middlesex and Huron Counties problems with the Legal Aid Program are being worked out.

Middlesex has structed a "Breakfast Committee" for discussion between local judges, the Children's Aid Society and members of the bar.

Lambton and Elgin Counties continue to put emphasis on their enforcement programs. The Lambton County judge has been moved into new, temporary accommodation with the rest of the staff to follow. The new court should open next year. A Family Court Advisory Council is active in this area.

Central West Region

Waterloo continues to provide conciliation and counselling services to Court clients on a 12-months-a-year basis. The service is staffed by four to five postgraduate students from the school of social work at Wilfrid Laurier University. The supervisor holds a masters degree in social work. The students deal with problems of access, conciliation and reconciliation.

This is the sixth year of Waterloo's highly successful Diversion Program. It is staffed by volunteers and supervised by probation and after-care workers. This year saw the expansion of the program to Grey and Wellington Counties.

Semi-secure detention facilities are available within the region. Secure facilities are located at London, Hamilton and Oakville.

The Ministry of Community and Social Services' Parental Support Program is available to courts within the region.

Waterloo has an innovative program to assist court clients. It has worked out a system with the local bar whereby articling students attend at the court one morning and one afternoon of each week. While they cannot give legal advise to clients they can assist the unrepresented to complete forms and they can explain the court processes to them. This takes some of the strain from Legal Aid Duty Counsel.

The Waterloo-Wellington Attendance Centres Project continues to meet with success. Established in 1980, staffed by The John Howard Society and volunteers, it is funded by the federal Solicitor

General and the Ministry of Community and Social Services. An early delinquency prevention model project, the Centres are open to truants four or five evenings each week. Attendance is voluntary and usually at a maximum. The project has received community support and law enforcement backing.

Central Region

Waiver applications and a marked increase in the duration of contested child welfare trials during the year have placed a strain upon the scheduling systems of the regional courts.

Careful monitoring of schedules and innovative procedures such as Peel County's Assignment Court, periodic 'blitzing' of backlogged matters by regional judges and the extensive use of volunteers has helped to maintain standard service delivery to the public.

Under the supervision of provincial probation officers, restitution and community service order programs continue to provide a most effective alternative disposition in juvenile matters.

There has been a gratifying continuity of close interaction between the courts and their respective communities throughout the year. York region has formed a Family Court Services Committee composed of representatives from the local bar and all of the allied court services. Etobicoke's five-year-old version of this committee continues to flourish.

The regular presence of the Crown Attorney in Family Courts now is a proven asset. Prosecuting in juvenile matters, preparing and processing cases of domestic assaults, working with court social workers and police has improved the flow of cases immeasurably at the Jarvis Street court and more recently at Scarborough. The service should be expanded to other courts in the region.

Eastern Ontario

The Family Law Reform Act Conciliation Service was expanded from the Ottawa-Carleton Court to Stormont, Dundas and Glengarry. The Ottawa Court service continues active.

The probation and after-care service of the Ministry of Community and Social Services in conjunction with the Ottawa Court are involved in several programs that seek to repair the broken social fabric when crime is committed by juveniles. In particular, there is a Community Alternatives Program that attempts to provide restitution to victims of crime, or, in the alternative, if that is not feasible or desirable, to provide community service work orders.

Frontenac County continues to provide leadership in innovative programs. Its Diversion Committee has succeeded in including high school students as active participants in its deliberations.

In the Counties of Hastings, Prince Edward, and Lennox and Addington, judicial orders for the performance of community services by juveniles are supervised by Probation and Aftercare staff. During the year, a novel Assessment Program has been initiated. Funded by the Ministry of Community and Social Services, The Children's Assessment Centre provides assessments for juveniles and families and assists the Court in final deliberations.

There is an active Juvenile Court Committee in Lanark County.

The resident judge in Renfrew County has been conducting mock trials in Renfrew and Pembroke. These trials increase awareness of the court and its activities for foster parents.

The Renfrew Court has worked with the Ministry of Community and Social Services in the development of a child-care centre called 'Phoenix Centre'. Among its activities is the provision of detention facilities for juveniles and children in need of protection under The Child Welfare Act.

This area requires a community based mediation or conciliation service.

Under present court demands, the Eastern region of the province requires additional judicial complement. An additional judge would be able to assist the needs of Stormont, Dundas, Leeds and Grenville, Prescott and Russell.

The region looks forward to improved facilities at 311 Jarvis Street; relocation of future facilities in areas closer to the court client population; studies on the feasibility of computerizing the enforcement arm of the courts; and improved scheduling capabilities.

Central East Region

With respect to counselling and conciliation, Simcoe Children's Aid Society provides limited counselling where children are involved as well as one-day-a-week marriage counselling at the court.

In Peterborough, counselling services are carried out by Family Counselling Services funded by the United Way. Other areas must purchase services from local professionals.

In the Judicial District of Durham, the Court Clinic administers volunteer staffed conciliation services.

Juvenile Diversion Committees are active in the County of Peterborough, the Judicial District of Muskoka and Simcoe County. Barrie relies on its 'Resource Group' for providing the court with recommendations.

In the County of Simcoe there is still a serious lack of in-patient psychiatric services for juveniles. Assessments are, however, available in Barrie and Collingwood.

Assessments are not available in Muskoka except for those provided by the Children's Aid Society on their wards.

The Judicial District of Durham relies upon the Ministry of Community and Social Services' Court Clinic which limits assessments to children before the court on Juvenile Delinquents Act matters.

In Northumberland, services are supplied by the Mental Health Unit of Cobourg General Hospital.

Simcoe and Muskoka have semi-secure observation and detention facilities. Open facilities are used by Durham and Northumberland. Secure detention for the region is found in Ottawa (for Northumberland) and at 311 Jarvis Street in Toronto. Secure detention facilities are needed closer to Cobourg.

Workers in the Ministry of Community and Social Services' Parental Support Program are available to all of the courts in the region.

PROGRAMS AND ADMINISTRATION DIVISION

Glenn H. Carter,
General Manager

Function

This Division of the Ministry is responsible for the direction and co-ordination of the Ministry's support services including:

- information and computer systems
- budgeting, accounting and financial management
- administrative services
- program monitoring and evaluation
- statistical and reporting mechanisms
- audit operations
- personnel services
- program analysis
- supreme court accountant
- affirmative action program

During the fiscal year, in addition to its continuing efforts to comply with the Government's constraint measures, the Division has placed further emphasis on audit operations and the streamlining of court procedures.

Human Resources Management Branch

P.W. Clendinneng,
Director

Kathleen Grant,
Deputy Director

The Human Resources Management Branch is responsible for the development, co-ordination, and administration of the full range of personnel services within the Ministry of the Attorney General. This Branch also manages the program for the appointment of Justices of the Peace, Notaries Public, and Commissioners for taking Affidavits, and administers the Blind Persons' Rights Act on behalf of the Ministry.

The continuing policy of staffing and fiscal constraints coupled with the relocation of a number of government offices and the resultant surplus staff, required further modifications to the staffing policies and procedures. The Branch's responsibility to disseminate information on these controls and initiatives from the Civil Service Commission relating to policies, such as surplus staff, the handicapped, credentialism, and to maintain recruitment within these guidelines dominated the staffing function and led to the increased necessity of assistance and advice to managers on the best utilization of resources available. Every benefit was derived from

provincially sponsored work programs and the Branch administered special staffing programs, such as O.C.A.P., CO-OP, the Summer Student Program, Experience '81 and Work Experience Weeks for the Ministry.

Position administration in support of effective organization and equitable salary treatment through classification review continued throughout the year. A major ongoing project was the Administrative Support Group where the Ministry with others in the service tested the application of proposed changes in class standards for Clerical and Office Service categories and relayed to the Civil Service Commission the evaluation of a broad range of Ministry positions. At the same time, the new Driver Class Series and the Social Work broad-banded group entailed the evaluation of appropriate positions for conversion to those groups.

The Branch continues to be responsible for the Ministry classified structure ceiling, maintaining records and monitoring proposed changes in its composition. In the coming year, modifications to the manpower control system are planned, including consolidation and mechanization.

The Ministry Training and Staff Development Program continued with courses being conducted in Toronto and at various locations throughout the province. Maximum use was made of all training resources, including the Civil Service Commission. An increase of 20 per cent in individual participants has been noted.

Pre-Retirement Programs were continued during 1981-1982 on a shared cost basis with other ministries in the Justice Policy Field. The programs for our Ministry are co-ordinated by the Employee Counsellor. Ten seminars were held in Toronto during the 1981-1982 fiscal year and were attended by 41 participants which included spouses. Evaluations continue to be extremely favourable and programs are continuing into the 1982-1983 fiscal year.

With effective staff relations guidance, interpretative advice on Working Conditions and the Employee Benefits Collective Agreement, branch staff assisted managers in resolving complaints whenever possible. Thus the total number of grievances in 1981/82 decreased 21 per cent over the previous year.
A new records system for Notaries Public and Commissioners for taking Affidavits was successfully implemented during the past year, resulting in improved service, and internal control. This represents the final phase of the policy and procedure upgrading which commenced several years ago, and the results are very satisfactory.

Program Analysis and Implementation

John R. Rowsome
Director

Three cost centres have been amalgamated into this new Branch which began operation in March, 1982, as part of a Ministry reorganization. This initiative captures existing functions and personnel from various areas of the Ministry and in addition provides new activities and functions.

One of the major activities of the Branch is to provide internal co-ordination for, and a focus to, program planning and implementation, particularly where there is ongoing liaison and consultation required with the Central Agencies of the government. Also under this Branch's purview is the responsibility for the implementation of the Managing By Results Improvement Project as well as overseeing the analysis and planning function of the Ministry which determines the effectiveness and efficiency of programs and activities.

The Branch is responsible for the co-ordination of the logistical support for Royal Commissions and Judicial Inquiries on behalf of the government under the Public Inquiries Act. This Branch is also responsible for Task Forces and other Studies initiated by the Ministry of the Attorney General. Additional responsibilities include drafting, co-ordinating, and processing all Orders-in-Council and Regulations for the Ministry and administering the Public Institutions Inspection Act.

In the last fiscal year this Branch provided support to three Commissions/Inquiries and four Special Studies; prepared 416 Orders-in-Council and 21 regulations; and processed 98 Public Institutions Inspection Panel Reports. Total MBR coverage of operating programs represented 90 per cent of total Ministry resources. The Branch provided services concerning specific administrative issues arising from Ministry operations including preparation of various statistical and other evaluation reports in support of Management Board Submissions for budgetary and other programme adjustments. Staffing standards for the Provincial and County Courts were approved in the 1981-82 fiscal year and work on the administration of federal/provincial costs share agreements were continued.

Affirmative Action Program

Helen Bottaro,
Manager

The goal of the Affirmative Action Program is to achieve, by the year 2000, a minimum of 30 per cent female staff in all job classifications.

To monitor the achievement of this goal, hire/promotion targetting, a process of estimating the number of men and women who will win competitions in particular classifications within a fiscal year, is done. Targetting is followed by a competition monitoring process.

For the fiscal year 1981/82, 12 positions were identified as priority hire/promotion targets: seven positions at the level of Legal PM 14-19, three positions at the Legal PM 19-20 level, one position at the level of Law Administration AM-18, and one position at the General Administration AM-15 level.

During the year, 10 women were hired at the level of Legal PM 14-19, which enabled the Ministry to exceed its target by three positions, and also resulted in changing the classification from "under-represented" to "integrated" (i.e. more than 30 per cent of the positions were held target was also exceeded with five women being hired/promoted. At the levels of Law Administration AM-18 and General Administration AM-15, female candidates were not the best candidates, therefore the Ministry did not meet its targets in these areas.

Gains also occurred in other classifications in which women were under-represented. In 1981-82 the first female Legal Director was appointed in the Legal Branch, Ministry of Culture and Recreation (currently Citizenship and Culture), at the classification of Legal PM 21-24. This was an addition to the executive group within the Ministry. Two additional women were promoted to the level of Legal PM 21-24. A woman was also hired at the level of Clerk 3 Filing. In summary, there were gains for women in the Administrative and Professional Modules, the Administrative Services Category, and the Executive Group.

The provision of on-job training is also required to accelerate the career development of women. Throughout 1981-82 managers continued to provide on-job training to employees by means of acting appointments, secondments, rotations, other special assignments and special courses. A total of 137 women were involved in such initiatives. The Affirmative Action Program also participated in the provision of on-job training by offering secondment opportunities to the positions of Program Assistant and Secretary. The Affirmative Action Incentive Fund enabled managers to provide training for an additional seven women. Special assignment programs were designed which included training as a Provincial Prosecutor, Office Manager, Criminal and Family Courts Administrator, Deputy Local Registrar, Deputy Sheriff, and Sheriff's Officer. In summary, a commitment was made to involve a total of 80 women in on-job training. With 144 women participating in various assignments, the Ministry exceeded its commitment by 71 per cent.

The Affirmative Action Program sponsored the participation of women in courses including:

- 25 women attended the Ministry's Management Development Program;
- 381 women participated in interministerial Affirmative Action Council workshops (these workshops were conducted by the Regional Delivery Task Force, which was chaired by the Program Manager, Ministry of the Attorney General);
- 18 women attended training sessions for new Affirmative Action Representatives; and
- 241 women participated in sessions to identify skills, write resumes, prepare for interviews and develop an assertive approach to job and career development.

Information sessions on the Affirmative Action Program were conducted for 197 managers and professionals and individual counselling regarding careers and other concerns was provided to 28 women.

Achievement in the areas of on-job training, hires and promotions and course participation were communicated to employees via the newsletter Focus.

Regarding job development, which concerns all women, the Affirmative Action Program attempts to improve the status of women with respect to classification, pay, benefits and working conditions. The Affirmative Action Program Manager participated in the development of new classification standards for the Office and Clerical Services Categories and the evaluation of working conditions and benefits proposals. To examine

economic and social trends and evaluate their impact on female employees, the Program Assistant participated in the Affirmative Action Council Task Force on Research into Job Opportunities.

Finance and Services Branch

H.A. Gibbs,
Director

During the fiscal year 1981/82, the efforts of the Branch continued to be directed towards innovations leading to economies in the cost of administrative operations of the Ministry and directing attention towards areas where increases in revenue might reasonably be obtained.

On the cost side, the expanding use of computing resources within the Ministry is making it possible for our Records Management staff to promote and introduce the use of microfiche for providing historical records. This fact, plus the program for regular annual clearance of old records to destruction or to longer-term storage, is making it possible for court offices substantially to reduce their needs for filing cabinets and related floor space. The cost of paper usage goes up while the cost of computing goes down and moves to replace the former by technological substitutes are always very cost-effective.

With regard to Ministry expenditures generally, such fat as may have existed in the budget has long since been rendered out by tough economic times. Corners, such as those mentioned above, continue to be cut. For example, the renewal of the contract for the photocopying needs of the Ministry will also provide a useful lowering of costs. More emphasis is being placed upon ensuring that revenues due to the province are being realized, whether arising from unpaid fines or from fees for services provided by judicial offices.

Every improvement in our revenue collection arrangements is a positive reinforcement of the treasurer's efforts to bridge the gap between provincial expenditures and provincial revenues.

Audit Services Branch

J. Solymos,
Director

Audits

The newly developed terms of reference for the Branch established by the Internal Audit Committee to give effect to the Ministry's audit policy in recognition of the comprehensive audit concept, were approved and adopted. Implementation of the terms of reference was commenced with their distribution to officials throughout the Ministry, to be followed by their incorporation into the Ministry's Manual of Administration. Simultaneously, review of the existing organization and resources was undertaken, leading to commencement of restructuring of the Branch and acquisition of additional resources required to provide an effective audit service.

Throughout, the Branch continued to fulfil regular audit requirements in regard to court and judicial offices, branches, boards and commissions, as well as performing special assignments and investigations as required.

During the year, the structure of the Internal Audit Committee was modified by the transfer of its chairmanship to the General Manager, Programs and Administrative Division.

Efforts were initiated in the development of suitable audit programs to enable the Ministry to achieve the full intention of its audit policy.

In the coming year, completion of the Branch re-organization and development of the audit program and audit plan are anticipated to mark significant progress toward full implementation of comprehensive auditing within the Ministry.

Defaulted Fines/Licence Suspension System

Developments within the Ministry in recent years enabled the relocation of the administration of the system. Consequent to steps initiated early in the year, the transfer to the Provincial Courts Branch of the Courts Administration Division was effected at the end of January, 1982.

During the 10 months preceding the transfer, use of the pre-suspension notice in the Provincial Court (Criminal Division) for Metropolitan Toronto continued to be highly successful in producing a significant reduction in the number of licence suspensions. Development of other improvements to the system continued, while operations and results thereof remained at levels similar to those of the preceding year.

Due to relocation of the system, reporting on its operations and results will be provided by Provincial Courts (Criminal Division).

Information and Computer Systems Branch

D.H.S. Thornton,
Director

The Branch provides services to the Ministry in two separate areas of responsibility. One area is in the collection, dissemination and analysis of operational, statistical and management information. At present, the majority of information collected relates to the operation of the courts and to the Crown Attorneys' offices.

Monthly, quarterly and annual statistical reports are prepared on a regular basis for senior officials of the Ministry, Division and Branch heads and the Judiciary. In addition, a wide variety of special reports are prepared upon request.

The Branch continues in its efforts to improve data collection and dissemination services. Activities in this area included an update of the computerized statistical systems for the Provincial Courts, implementation of a courtroom utilization system and improvements in automated information retrieval systems.

The Branch also provides support to the various Branches and Divisions of the Ministry in the development and improvement of manual and computerized systems and in the field of management consulting.

Systems staff worked on a wide variety of maintenance and developmental projects during the current year. A growing interest in the use of computer technology in improving operations through the application of word processing, micro, mini and large-scale computer applications brought the Branch into contact with many other branches within the Ministry.

Projects of note included the continuing maintenance of Cyclops, a feasibility study into the replacement of Cyclops, a system to support the new Metro Toronto parking bylaw, the expansion of the mini computer network, Defaulted Fines Control Centre automation studies and Courtroom Utilization System for the Provincial Court offices. A word processing system for the Legislative Counsel was designed and implemented. The Assessment Review Court System was completed. Feasibility studies for Sheriff searches in York and the Provincial Court (Civil Division) were completed. Several word processing applications were studied and implemented, including systems for Crown Counsel Civil Law and a case reporting facility for criminal cases in the County Courts in Metro.

The Branch continues to provide consulting and maintenance services to several branches, including the Public Trustee, the Financial Management Branch, the Accountant of the Supreme Court and for the Canadian Centre for Justice Statistics.

Accountant, Supreme Court of Ontario

E.J. McGann,
Accountant

Duties

This office is the depositary for all money, mortgages and securities which are paid into, or lodged with, the Supreme Court of Ontario. These monies, mortgages and securities are received, and disbursed or released pursuant to judgments and orders of the Supreme Court of Ontario, and in accordance with the Judicature Act and other relevant statutes.

Assets

Assets under management at the end of the fiscal year 1982 totaled $179 million from $176 million the previous year.

Revenues and Investments

The interest revenue from the portfolio increased to $18 million from $16.3 million in the fiscal year 1980-81. Monies paid into the Supreme Court for suits and matters in the 1981-82 fiscal year totalled $65.7 million (1980-81 – $60.9 million) while disbursement for the same period amounted to $77.6 million (1980-81 – $63.4 million).

Interest Rates

The interest rate in infants' funds paid into Court before Oct. 1, 1981, was raised to 12 per cent per annum from 10 per cent. Infants' funds paid into Court since Oct. 1, 1981, is invested separately and the rate is reviewed quarterly by the Finance Committee.

Ontario Native Courtworker Program

The program is designed to meet the needs of status, non-status and metis people who come in-

to conflict with the law. The courtworkers, natives themselves, provide a liaison between the native person and all persons involved in the criminal justice process.

Essentially the duties of a courtworker involve explaining to the accused the reason for their arrest, their legal rights and their responsibilities and the nature and meaning of measures taken by the court including bail, detention and conditional release. Furthermore, the courtworker contacts community and social service organizations where counselling or treatment action is indicated.

The funding for the native courtworker program is provided on a cost-shared basis between the Ministry and the federal Department of Justice. In 1981-82 the budget for the native courtworker program was $696,000 based on 26 courtworkers located in 16 native friendship centres throughout the province.

Ontario Legal Aid Plan

The purpose of the Plan is to ensure that all individuals in Ontario have access to information about their legal rights and obligations, and have access to legal representation. Representation is available as of right in serious criminal matters, and on a discretionary basis in other matters.

Pursuant to the Legal Aid Act, the Law Society of Upper Canada is responsible for the administration of legal aid in Ontario. The Law Society discharges this responsibility through full-time head-office staff, and officials in each county and district of Ontario, all under the supervision of the Legal Aid Committee which reports to the Convocation of the Law Society. The Attorney General has general responsibilities for the operation of the Plan, and is responsible for the Plan's funding. The Ministry of Community and Social Services establishes criteria for financial eligibility and also performs the financial assessment of applicants for legal aid.

A person seeking legal assistance may apply through any of the 47 area offices across the province for legal aid or may attend at one of the 39 community clinics. Applications are assessed on their legal merits and in accordance with eligibility criteria established by the Ministry of Community and Social Services. The applications and assessments are reviewed by the area directors prior to issuing certificates, which entitle the recipient to retain any lawyer who accepts legal aid cases. Additionally, duty counsel services are available in the criminal and family courts. Summary advice and representation are provided by the community clinics in a number of areas such as landlord-tenant disputes, consumer issues, workmen's compensation and other benefits assistance, assistance to mentally and physically handicapped persons, assistance to recently landed-immigrants, assistance to individuals and groups with environmental legal problems and the like. The clinics ensure that low-income people of Ontario have access to justice to the extent it is not ordinarily available under the fee-for-service component of the legal aid plan.

Currently there is a cost-sharing agreement with the federal government on criminal legal aid. The formula under the agreement resulted in a federal contribution in 1981-82 equivalent to 38 per cent (or about $9.5 million) of the net shareable expenditures for criminal legal aid. Federal-provincial negotiations began during the fiscal year 1981-82 with the provincial expectation that the cost-sharing formula in the agreement would be expressed in more equitable terms to the province.

Furthermore, negotiations began with the federal government for cost-sharing of civil legal aid through special assistance provisions of the Canada Assistance Plan under the General Welfare Act. The negotiating process was undertaken by this Ministry in conjunction with the Ministry of Community and Social Services.

The financial implications of the federal Young Offenders Act on the legal aid plan which are estimated to be substantial, have been under careful review. The Act is to come into force sometime between April 1, 1983 and late fall, 1983, for offenders up to 15 years of age and on April 1, 1985, for 16- and 17-year-old offenders.

In general terms the 1981-82 funding for the Plan breaks down as follows: The Province of Ontario – $40.5 million; the Law Foundation – $11.6 million; legal aid clients' contributions/recoveries – $3.6 million; and miscellaneous income – $0.5 million for a total funding of $56.2 million. This revenue provided payments for fees and disbursements to the certificate lawyers in the amount of about $37.7 million; to duty counsel in the amount of about $3.5 million; and to the independent community clinics about $5.5 million.

There were 111,500 formal applications for legal aid in 1981-82. The number of certificates issued increased by 1.4 per cent to 81,000 over the preceding year. Duty counsel assisted 226,600 persons in 1981-82 which represents an increase of about 2.2 per cent over 1980-81. The clinics, serving special interests of the communities, operated from 39 centres in 1981-82 which was the same as in 1980-81.

In 1981-82 preliminary developmental work began in order that the Ministry staff could assist the Plan in identifying alternative methods of automating the administrative procedures of the Plan, including the legal aid accounts, statistics reporting, accounting, payroll and personnel.

Boards and Commissions

Ontario Law Reform Commission

Chairman:
Derek Mendes da Costa, Q.C., LL.B., LL.M., S.J.D., LL.D.

Vice Chairman:
H. Allan Leal, Q.C., LL.M., LL.D., D.C.L.

Members:
Honourable Richard A. Bell, P.C., Q.C.
Honourable James C. McRuer, O.C., LL.D., D.C.L.
William R. Poole, Q.C.
Barry A. Percival, Q.C.

Function

The Ontario Law Reform Commission was established by **The Ontario Law Reform Commission Act, 1964**, S.O. 1964, c. 78, now R.S.O. 1980, c. 343. Section 2(1) of the present Act provides that the function of the Commission is to inquire into and consider any matter relating to:

1. reform of the law having regard to the statute law, the common law and judicial decisions;

2. the administration of justice;

3. judicial and quasi-judicial procedures under any Act; or

4. any subject referred to it by the Attorney General.

Since its establishment, the Commission has studied a wide selection of subjects and has published 73 reports, including 15 annual reports, the latter describing the activities of the Commission for the fiscal year. An appendix to each annual report lists the Reports of the Commission and legislation that implements Commission recommendations. Such legislation covers a substantial number of areas and is reflected in such diverse statutes as the **Family Law Reform Act**, R.S.O. 1980, c. 152, **Succession Law Reform Act**, R.S.O. 1980, c. 488, **Children's Law Reform Act**, R.S.O. 1980, c. 68, **Marriage Act**, R.S.O. 1980, c. 256, **Age of Majority and Accountability Act**, R.S.O. 1980, c. 7, Part IV of the **Landlord and Tenant Act**, R.S.O. 1980, c. 232, **Powers of Attorney Act**, R.S.O. 1980, c. 386, and **Occupiers' Liability Act**, R.S.O. 1980, c. 322.

Activities During 1981-82

During the period April 1, 1981, to March 31, 1982, the Commission completed two references, dealing with Class Actions and Witnesses Before Committees of the Legislature.

The **Report on Class Actions**, almost 900 pages long, is a comprehensive examination of the present law of class actions and its deficiencies, and of the need for a revised class action procedure in Ontario. In addition to its review of the law in Ontario, the Commission considered the law of class actions in the other provinces – particularly the recently enacted class action legislation in Quebec – and in England, Australia and the United States. The Commission carefully considered the experience with class actions in the United States under Rule 23 of Federal Rules of Civil Procedure and was able to generate data concerning class actions in the United States federal courts that was helpful in its analysis of possible problems that might be faced in this jurisdiction.

The Commission proposed the enactment of a comprehensive **Class Actions Act**, which would apply to most class actions brought in Ontario. Under the proposed Act, before an action could be maintained as a class action, it would have to be approved by the court as an action appropriate for class treatment by satisfying a number of tests.

To overcome major drawbacks of the present law, the Commission recommended that courts be empowered to make an aggregate assessment of the damages suffered by a class. The Commission also recommended the adoption of a special costs regime for class actions. This costs regime consists of two components. First, with some exceptions, a successful party in a class action would not be able to recover his party and party costs from the unsuccessful litigant. Secondly, the representative plaintiff and his lawyer would be free to enter into a fee agreement that would entitle the lawyer to a fee for his services only in the event that the class action is successful. This fee, which would be court approved, would be an amount that is fair and reasonable compensation for the risk incurred and, in an action for damages, would be payable out of any damage recovery.

In addition to these two major changes in the law of class actions, the Commission also made a number of recommendations to safeguard the interests of class members and class action defendants, including changes in the rules of procedure relating to examinations for discovery, notice, appeals, and the doctrine of **res judicata**.

The Commission's **Report on Witnesses Before Legislative Committees** deals with the nature and powers of legislative committees **vis-a-vis** different types of witnesses – for example, ministers of the Crown, civil servants, witnesses appearing voluntarily or in response to a Speaker's warrant. The report makes recommendations with respect to the rights, privileges, and protection afforded to committee witnesses, the protection of third parties named or discussed at committee hearings, and the form, method of review, and amendment of the **Legislative Assembly Act**, R.S.O, 1980, c. 235.

The Commission concluded that, as a matter of law, all witnesses have the same rights and obligations and are equally subject to the relevant provisions of the **Legislative Assembly Act**. However, the Commission recognized that practical differences do exist between classes of witnesses. In this connection, for example, no change was recommended in the law and practice relating to the invocation and treatment of a claim of Crown privilege.

The main thrust of the report concerns the power of legislative committees to call witnesses and to compel answers to questions, and the rights, privileges, and protection of such witnesses. Recommendations were made respecting the following matters: the taking of oaths; offences under the **Legislative Assembly Act**; sanctions for contempt; Speaker's warrants; the use of brochures informing witnesses of their duties and privileges; the retention and role of counsel for witnesses; the publication of evidence taken at a committee hearing; and the use of **in camera** sessions where, for example, the evidence given might tend to incriminate the witness or involve classified or privileged matters. Proposals also dealt with committee proceedings concerning matters that are **sub judice**.

Finally, the Commission made several recommendations respecting the use of a witness's evidence against him at a subsequent proceeding, having regard, for example, to the inherent privileges of legislatures, existing provincial and federal statutes, and Section 13 of the **Canadian Charter of Rights and Freedoms**. After noting the inability of a committee witness to refuse to answer a question on the ground that the answer might tend to incriminate him, the Commission offered proposals designed to preclude, notwithstanding the absence of any formal request, the use of such evidence at a subsequent proceeding, except, for example, in a prosecution for perjury.

Present Program

Primarily due to the importance, magnitude, and complexity of the Class Actions Project, work was temporarily suspended on certain other projects in the Commission's program. The present program consists of 11 projects, including a new Project on Remedies for Wrongful Intentional Interference with Goods. Some projects are well advanced; for example, it is anticipated that a **Report on the Law of Trusts**, including a recommended Draft revised **Trustee Act**, will be submitted to the Attorney General by the end of the coming year, and that a **Report on Powers of Entry**, including a recommended new **Powers of Entry Act**, will be submitted in the fall. Substantial progress has also been made on the Project on the Administration of Estates of Deceased Persons and on the two remaining Parts of the **Report on the Enforcement of Judgment Debts and Related Matters**. In addition, work is continuing on such projects as the Hague Convention Concerning the International Administration of the Estates of Deceased Persons, Basic Principles of Land Law, the Law of Mortgages, the Law of Contract Amendment, and Contribution Among Wrongdoers.

In its research and deliberations, the Commission has received valuable assistance from many sources, including the judiciary, the practising and academic bar, and the public. In addition, there has been a continuing liaison with other law reform agencies and such bodies as the Uniform Law Conference of Canada and the Canadian Bar Association.

Ontario Municipal Board

The offices of the Board are located at 180 Dundas Street West, Toronto.

All members of the Board are appointed on a full-time basis* and the following is a list of the members during 1981:

Chairman:
H. E. Stewart

Vice-chairmen:
A. H. Arrell, Q.C.

Boards and Commissions

A. L. McCrae
W. T. Shrives
W.H.J. Thompson, Q.C.
D. S. Colbourne
D. D. Diplock, Q.C.
P. M. Brooks
H. H. Lancaster
Members:
A. B. Ball
C. G. Ebers, Q.C.
H. W. Kelly, Q.C.
J. A. Wheler
E. A. Seaborn
A.J.L. Chapman, Q.C.
W. E. Dyer, Q.C.
C. G. Charron, Q.C.
K. D. Bindhardt
W. L. Blair
D. H. McRobb
P. G. Wilkes
J. E. Hendy
V. M. Singer, Q.C.
M. D. Henderson
D. L. Santo
D. M. Rogers, Q.C.
T. F. Baines, Q.C.
*J. Worrall, Q.C.
*S. R. Cole
*G. Campbell, Q.C.
*G. T. Dobbs
*G. M. Hobart
*D. W. Middleton

*By Order in Council 2890/81 of October 8, 1981, the members of the Land Compensation Board were appointed members of the Ontario Municipal Board. In like manner the members of the Ontario Municipal Board were appointed to the Land Compensation Board by Order In Council 2891/81 of October 8, 1981.

Secretary: K. C. Andrews

Establishment and Jurisdiction

The Board was created in 1932 under The Ontario Municipal Board Act which repealed but incorporated many of the provisions of The Railway and Municipal Board Act (passed in 1906), The Municipal Schools Accounts Audit Act and The Bureau of Municipal Affairs Act. The establishment of the Board and its authority is now derived from The Ontario Municipal Board Act, R.S.O. 1980, Chapter 347, as amended. Much of its jurisdiction and authority flows from The Municipal Act, The Planning Act, The Highway Improvement Act, The Assessment Act as well as numerous other statutes.

Functions

The Board acts as an independent administrative tribunal and is not an agency or commission. Its function and duties are prescribed by these Acts. When the Board holds a hearing, it is, of course, governed by any applicable statutes; but it is also subject to the rules of natural justice. The administration of justice could be said to be divided between the judicial arm of government (the courts) and the executive arm, of which latter this Board is a branch. The courts operate under strict rules and interpret and follow statutes and precedent. Administrative boards, such as this Board, administer what is sometimes called discretionary justice, having a minimum of rules and a wide spectrum of discretion. In matters of law and jurisdiction there is an appeal from the Board to the Courts. In the majority of matters, there is an appeal to the Lieutenant Governor in Council.

The extent and nature of the jurisdiction of the Board could be described as responsibility for the sound growth and development of municipalities within the framework of the statutes and protection of private interests as much as possible.

Applications and Appeals to the Board under the Planning Act

The following table shows the number and types received in 1981 and the previous five years:

	1976	1977	1978	1979	1980	1981
Applications for approval of restricted area bylaws	3202	3417	3569	3995	2484	2283
Applications for approval of plans of redevelopment	0	1	24	18	21	17
Applications for approval of proposed plans of subdivision and condominium	47	62	34	71	46	52
Applications for approval of Official Plan amendments	157	229	213	180	243	208
Appeals for amendment of restricted area bylaws	120	109	112	146	121	109
Appeals from Committees of Adjustment and Land Division Committees	2205	1793	1833	1704	1358	1122
	5731	5611	5785	6114	4273	3791

Approval of Capital Undertakings and the Imposition of Rates and Levies to Recover the Cost thereof

In 1981, the Board prepared a revised edition of the booklet "The role of the Ontario Municipal Board with respect to undertakings involving long-term commitments by Ontario Municipalities and School Boards". This booklet was mailed to all Commissioners of Finance and Treasurers of all regions, counties and municipalities in the province to provide a better understanding of the Board's role and for assistance in providing the financial information as required by the Board in this connection,

In order to avoid delay and to expedite the processing of applications for approval of capital expenditures, the Board establishes in each year:

(a) a capital expenditure quota for all regional municipalities and cities and the larger towns and townships that normally submit applications frequently in one year, and

(b) a permissible debt limit for all other municipalities.

The following table shows the number of applications for approval of capital expenditures and related matters received by the Board in 1981 and the previous five years.

Year	Applications
1976	3056
1977	2608
1978	2536
1979	2364
1980	2426
1981	2148

Assessment Appeals and Miscellaneous Applications

In addition to the number of capital expenditure applications and applications under The Planning Act, the Board received the following appeals and applications in 1981 under the various statutes specified:

The Assessment Act	406
The Conservation Authorities Act	50
The Local Improvement Act	2
The Municipal Act	49
The Pits and Quarries Control Act	9
The Public Transportation and Highway Improvement Act	4
Special Legislation (Municipalities)	28
Other	62
	610

Summary of Applications and Appeals

The following is a summary of applications and appeals to the Board for the years 1976 to 1981:

	1976	1977	1978	1979	1980	1981
Restricted Area Bylaws, Official Plan Amendments, Etc.	3526	3818	3952	4410	2915	2669
Committee of Adjustment and Land Division Committee Appeals	2205	1793	1833	1704	1358	1122
Capital Expenditure Applications	3056	2608	2536	2364	2426	2148
Assessment Appeals and Miscellaneous	356	367	359	459	631	610
	9143	8586	8680	8937	7330	6549

Board Hearings

Years	No. of Hearings	No. of applications dealt with at hearings
1976	1877	2335
1977	1996	2492
1978	2351	2959
1979	2366	3286
1980	2384	3135
1981	1676	2308

Board Decisions

Decisions of the Board of leading cases may be found in the Ontario Municipal Board Reports (O.M.B.R.) published by Canada Law Book Limited under arrangement made with the Board and the Ministry of the Attorney General. Copies of decisions are also distributed by the Board to appropriate government agencies and to various universities and law libraries for reference purposes. Copies of individual decisions may be obtained on request from the offices of the Board.

Boards and Commissions

Criminal Injuries Compensation Board

Chairman:
Allan Grossman

Vice-chairman (part-time):
Mrs. Anne Stanfield

Vice-chairman (part-time):
Mrs. Audrey Merrett

Members (part-time):
Douglas H. Lissaman, Q.C.
Robert W. Mitchell, Q.C.
Harvey Spiegel, Q.C.
Nathan L. Sandler
Uno Viegandt
E. Lee Monaco
D. Arthur Evans
Linda Clippingdale
John D. V. Hoyles
Greville Clarke
Anne Tomljenovic

The Board, composed of one full-time chairman and 13 part-time members, administers The Compensation for Victims of Crime Act, 1971, which succeeded The Law Enforcement Compensation Act, 1967.

Function of Board

The Board decides whether applicants for compensation are eligible and the amount to be awarded. Compensation is awarded, for personal injury only, when a person in Ontario is injured or killed as a result of a crime of violence which is an offence under the Criminal Code of Canada. Injuries caused by a motor vehicle are excluded by the Act unless the vehicle is used as a weapon. Compensation may also be awarded when a person is hurt while lawfully arresting or attempting to arrest someone for an offence against another person; when a person is injured while assisting a law officer; or when someone is injured while preventing or trying to prevent an offence against another person.

Hearing

Hearings of the Board are public except where a public hearing would be prejudicial to a trial, or in cases involving sexual offences. They are held in Toronto and, when practicable, in such centres as Fort Frances, Thunder Bay, Sudbury, Sault Ste. Marie, Ottawa, London, Sarnia and Windsor, where hearings were conducted during the year.

Productivity

The Board heard 980 applications, compared with 985 in 1980-81. A total of $2,780,496.74 was paid out in compensation, a 14 per cent increase over the previous year. The average award rose from $2,132.14 in 1980-81 to $2,308.02 in 1981-82.

Annual Report

This report is available from the Board's office at 439 University Avenue, 17th Floor, Toronto M5G 1Y8. Telephone: 965-4755. Brochures in various languages are also available from the Board and can be found in court houses, police stations, legal aid offices, and a number of other public buildings throughout Ontario.

Comparative Summary — Fiscal Years
Applications and Disposition

	April 1, 1978 to March 31, 1979	April 1, 1979 to March 31, 1980	April 1, 1980 to March 31, 1981	April 1, 1981 to March 31, 1982
Applications under investigation on April 1	1500	1826	1913	1949
Eligible applications received	1219	1190	1274	1250
Applications heard (1)	713	858	985	980
Applications heard and dismissed	47	75	125	128
Applications heard — further evidence required	0	1	1	2
Second hearings	1	1	1	0
Review of awards	6	13	7	6
Decisions completed and awards ordered (2)	713	843	918	979
Files closed	180	245	253	476
Interim awards	6	8	4	6
Supplementary awards	12	49	52	71
Periodic awards	20	29	17	16
Lump sum payments	$1,397,994.00	$1,736,551.32	$1,957,309.86	$2,254,654.16
Periodic payments	350,490.75	434,137.59	477,034.06	525,842.58
Total of awards ordered	1,748,484.75	2,170,688.91	2,434,343.92	2,780,496.74
Average award (3)	1,960.72	2,059.97	2,132.14	2,303.02
Applications under investigation March 31	1826	1913	1949	1743

Note: (1) Includes heard but dismissed and heard but further evidence required but does not include files closed.
(2) Includes interim, supplementary and periodic awards.
(3) Periodic payments not included when arriving at average award.

Assessment Review Court

Chairman:
B.H.B. Bowlby, Q.C.

Vice-Chairman:
G. C. Hewson

Vice-Chairman (part-time):
S.R.R. McNeil

Members (part-time): 65

Jurisdiction

The Assessment Review Court was established under The Assessment Act, 1968-69, and continues under The Assessment Review Court Act, 1972. This Court is an administrative tribunal which draws its jurisdiction from The Assessment Act and The Municipal Act.

The responsibility of the Court is to hear and determine:

1. Complaints against errors or omissions of real property assessment and school support for the basis of municipal taxation in Ontario at the lowest cost to the taxpayer.

2. The apportionment of municipal taxes or rates applicable to individual parcels where land has been assessed in block.

3 When authorized by municipal bylaw (or by way of an appeal from the decision of a municipal council) applications for cancellation, reduction or refund of municipal taxes; and, when authorized by a municipal council (or by way of an appeal from the decision of a municipal council), applications for an increase in municipal taxes where gross or manifest errors have been made in the collectors' roll.

Administrative Functions

The Regional Registrars of the Court are responsible for the processing and scheduling for hearing of complaints against assessments and school support and the certification of the last revised assessment roll of each municipality in Ontario. The Regional Registrar also schedules all appeals from the decisions of the Court to the County or District Court Judges within the province under Section 42(55) of The Assessment Act.

Summary of Activities

The following is a brief report of the activities of the Court during the period April 1, 1981, to March 31, 1982.

1. Court Sittings

During the year the Court sat for 2,766 days in various municipalities throughout the province and heard and determined 148,751 appeals and applications.

The Regional Registrars processed and scheduled complaints against assessment under Sections 34(44) and 39(52) of The Assessment Act and processed and scheduled appeals to the County or District Judge under Section 42(55 of The Assessment Act and applications and appeals under Section 496(636a) of The Municipal Act.

During this period as in 1980-81, the Assessment Review Court experienced an increase over former years in complaints relating to all types of properties and in particular complaints relating to large industrial complexes and income producing properties such as apartment houses, office towers, shopping centres and major hotels, and houses insulated with urea formaldehyde foam all involving considerable amounts of assessment and municipal tax monies. Because of their complex nature, one such complaint can take a great deal of time to hear and dispose of. This has seriously affected the Court's productivity and the early disposition of complaints. Additional members part-time are required to catch up with the current increase in the undisposed complaints and appeals.

To assist in scheduling certain complex complaints assignment courts were held in Toronto.

Additional municipalities were re-assessed under the provisions of Section 63(86) of The Assessment Act resulting in a considerable increase in the number of complaints in these municipalities in the first year of the programme.

2. Training and Development of Court Members and Staff

During this period, groups of Court members attended instructional seminars in London, Sault Ste. Marie, Ottawa, Kitchener and Toronto.

Regional Registrars and Assistant Regional Registrars attended instructional seminars in Bracebridge and Haliburton.

Clerks of the Court in the Grand River Niagara Region attended an instructional seminar in Hamilton.

3. Administrative Matters

During this period, the Court continued to review

its practice and procedures and implemented changes where necessary in order to improve its efficiency in processing and disposing of complaints. A summary of Assessment Review Court complaints and appeals is set out at the end of this report.

The purpose of the Assessment Review Court is to hear and determine complaints relating to assessments throughout the province as soon as may be practicable. With the increase in volume and complexity of complaints, the main difficulty in completing the hearings arises in scheduling and disposing of the complaints as soon as practicable so that the assessment rolls can be certified.

Program of Operations for the fiscal year 1982-83

1. The principal objective of The Assessment Review Court in the next fiscal year and in succeeding years will be to continue to improve the procedures for scheduling and increase the number of hearing days to enable the assessment rolls to be certified as soon as possible.

2. The Assessment Review Court has improved the new Court scheduling and disposition system designed with visual display terminals located in each of the Regional offices. Complaint information is keyed and verified through these terminals. In addition, an online inquiry function is supported. Information about a property in question can be extracted from an assessment file and maintained on a complaint master file. Various management reports and statistics, together with notices of hearings, decisions and court records can be produced. A Court scheduling system has been provided with the ability to handle early appearances, appeals and adjournments. Finally, a history sub-system is included to reduce the costs of operation and to maintain records of completed cases. This system became operational in December, 1980, and is being added to with a case digest program to provide a ready digest of case law for the members as required.

A policy submission on the Revision of Assessment Review and Appeal Procedures has been submitted to the Cabinet and is now the subject to review by the Justice Policy Committee.

The main purposes of this submission are as follows:

1. To eliminate multiple "trials de novo" procedures at each level of assessment review and appeal. (Assessment Review Court, County Judge, persona designata, and the Ontario Municipal Board.)

2. To relieve County and District Court Judges from hearing quantum appeals in assessment matters and substituting for this level of assessment appeals procedure an appropriate administrative tribunal which would provide a final decision.

Summary of Assessment Review Court Complaints and Appeals

	1979-80	1980-81	1981-82
Section 39(52) of The Assessment Act (1)	117,132	119,658	152,763
Section 32(42) and 33(43) of The Assessment Act (11)	6,620	5,564	11,378
Sections 496(636a) of The Municipal Act (111)	31,099	30,641	23,642
Total	154,851	155,863	187,783

Footnotes:
(I) This section deals with complaints against annual assessment and school support made under Section 30(40) of The Act.
(II) This section deals with complaints against additional assessment made under Sections 32(42) and 33(43) of The Act.
(III) These sections deal with applications and appeals relating to:
(a) Apportionment of municipal taxes
(b) Cancellation, reduction or refund or municipal taxes
(c) Increase in municipal taxes by reason of clerical errors.

Summary of Appeals to County and District Court Judges (Section 42(44) of The Assessment Act

1979-80	1980-81	1981-82
13,951	14,806	20,877

Board of Negotiation

Chairman:
G. W. Swayze

Members:
J. M. Bennett
J. A. Ferguson
F. L. Hearnan
W. J. Mowat

Function

The Ontario Board of Negotiation was created by provision of The Expropriation Act, 1968-69, Section 27. It provides an informal tribunal which, without prejudice to any subsequent arbitration procedures, may negotiate in a summary and informal manner a settlement of a compensation in expropriation cases.

Informality

The Board, upon receiving a written request from either party, arranges meetings between the expropriated party and the expropriating authority. A formal notice is issued to both parties, advising the time and place of meeting. The Board meets throughout the province without cost to either party. A unique provision of the Act provides that the Board shall view the property in question.

An individual may appear on his own behalf and present his compensation claim.

The Board listens to both parties and if it considers it has enough information and the parties have not agreed during the meeting, then it will give its opinion as to the compensation the Board feels would be fair. This may or may not be accepted by either party; if no agreement follows, they are free to proceed to arbitration (Ontario Land Compensation Board).

Monthly Breakdown
Fiscal Year April 1, 1981 – March 31, 1982

	Requests Received	Meetings Held
April	6	10
May	10	6
June	6	12
July	4	4
August	8	3
September	12	7
October	10	10
November	12	8
December	11	9
January	4	12
February	8	10
March	4	3
	95	94

Note: As of March 31, 1982, there were 14 files in process (three of the 14 are to be scheduled and 11 are scheduled for meetings and waiting to be held)

Activity Report – Fiscal Year 1981 – 1982

Expropriating Party	Number of Applications
Corporation of the Borough of Scarborough	1
Corporation of the City of Brantford	3
Burlington	1
Chatham	1
Cornwall	1
Hamilton	1
London	1
Oshawa	1
Ottawa	3
Port Colborne	1
St. Catharines	1
Windsor	4
Woodstock	2
Corporation of the County of Middlesex	1
Northumberland	1
Peterborough	1
Victoria	2
Corporation of the Provincial County of Haliburton	2
Corporation of the Town of Fort Frances	1
Milton	1
Richmond Hill	2
Stoney Creek	1
Tillsonburg	1
Corporation of the Township of Kingston	1
Nipigon	3
Roxborough	1
District Municipality of Muskoka	1
Lakehead Region Conservation Authority	5
Ministry of the Environment	1
Government Services	4
Housing	2
Transportation and Communications	24
Municipality of Metropolitan Toronto	1
Municipality of the Township of Longueuil	1
Ontario Hydro	6
Regional Municipality of Hamilton-Wentworth	1
Ottawa-Carleton	3
York	4
Union Gas Limited	1
Wentworth County Board of Education	2
	95

Two-Year Follow-Up Report
Fiscal Year 1980-1981

Number of requests for meetings (1980-81)	142
Number of settlements reported following negotiations in the period April, 1980 to March 31, 1981	52
Requests for meetings – cancelled	8
Balance to be surveyed by Two-year Follow-up	82

This Report is based on replies to 82 Questionnaires mailed to the Expropriating Authorities from whom we had not heard regarding results of 1980-1981 meetings.

Questionnaires mailed	82
Replies received	73
Unanswered	9
Settlements (Board of Negotiation's Recommendation a factor)	26
Proceeded to, or intending to proceed to Land Compensation Board	22
Still Negotiating	19
In Abeyance, pending, not presently being negotiated	6
	82

Land Compensation Board

Acting Chairman:
P. M. Brooks

Vice-chairmen and Members of L.C.B. and O.M.B. cross appointed

Registrar:
C. E. Warner

Established

Under authority of the Expropriations Act, December 1, 1970.

Function

Arbitration tribunal to determine compensation to be paid for property expropriated or injuriously affected.

Applications outstanding March 31, 1980	312
Applications outstanding March 31, 1981	360
Applications outstanding March 31, 1982	393

	78/79	79/80	80/81	81/82	(Projected) 82/83
Number of Applications rec'd	104	152	141	130	140
Decisions	51	36	21	26	60
Settlements	72	129	72	71	80
Total	123	165	93	97	140
Motions	34	29	35	57	60

The Board operated for about six months with only two vice-chairmen and four members constituting two quorums. This resulted in an increase in the advance scheduling time from three months to eight months, a backlog of decision and an increase in the numbers of outstanding applications.

An increase in the number of applications is anticipated in the next fiscal year. As more Ontario Municipal Board vice-chairmen become available to preside on hearings an increase in the number of hearings and decisions is anticipated as well as a reduction in the advance scheduling time and the number of outstanding applications.

Office of The Public Complaints Commissioner

Sidney B. Linden, Q.C.
Commissioner

The Metropolitan Police Force Complaints Project Act, 1981, received third reading November 17, 1981, and was proclaimed December 21, 1981.

The legislation was created in response to recommendations contained in the Maloney Study (1975), the Morand Report (1976), the Pitman Task Force (1977) and Cardinal Carter's Report (1979). All focused attention on the need for a more formalized system of dealing with public complaints against the Police, as well as the need for a greater civilian component in the complaints process.

The Act establishes a Public Complaints Commissioner and the Police Complaints Board. The commissioner is the chairman of the board.

Although the legislation was not proclaimed in force until December 21, 1981, the commissioner was appointed on July 15, 1981, and, with a skeleton staff began preparations for the establishment of the office. By agreement with Chief Ackroyd of the Metropolitan Toronto Police Force, the commissioner began monitoring public complaints on September 14, 1981.

From September 14, 1981 until March 31, 1982, about 500 citizen complaints were monitored by the Office of the Public Complaints Commissioner. As of March 31, 1982, this office consisted of 11 staff members in addition to the commissioner.

The commissioner intends to provide the Ministry with annual reports for each 12-month period ending December 20, rather than the annual reports for a 12-month period ending at the Ministry's fiscal year, namely March 31. The reason for this is that this office is set up as an experimental project for three years, or such longer period of time, depending on the date that the Act is repealed by proclamation of the Lieutenant Governor.

This pilot project is for a period of three years or such further duration as is named by proclamation of the Lieutenant Governor. During that period of time there will be:

a) continuous monitoring and evaluation of the project;

b) continuous consultation with all interested groups in Metropolitan Toronto; and

c) continuous consultation with all the jurisdictions in the province which might be subsequently affected.

At the end of the project a detailed report will be submitted which will provide the basis for future legislation and it is recognized that, if appropriate, the present legislation may be amended, made more permanent and possibly, extended to other parts of the province, if the need is demonstrated at that time.

The following will outline the major areas of responsibility for the commissioner and the board.

Areas of Responsibility

A. Public Complaints Commissioner
The major responsibilities of the Commissioner and his office are as follows:

1. Receipt of Complaints
A citizen may lodge his complaint directly with the commissioner. A citizen may also lodge his complaint at a police station or the Public Complaints Investigation Bureau of the Metropolitan Toronto Police Force. In these latter two situations, a copy of the complaint is forwarded to the commissioner.

2. Investigation of Complaints
The commissioner has the authority to investigate the allegations in the complaint, 30 days after the complaint is received or earlier, if there are reasonable grounds to believe that there has been undue delay or other exceptional circumstances in the conduct of the initial police investigation.

The commissioner receives interim reports on the police investigation every 30 days and a final report when the investigation is completed. Upon receipt of a copy of the final investigation report, the commissioner may request the chief of police to cause further investigation to be made into the complaint.

3. Resolution of Complaints
A complaint may be resolved informally by the police during the course of or prior to a formal investigation. In these situations, a record of the information resolution is forwarded to the commissioner. The commissioner reviews the record of the informal resolution and may, after such review, request that investigation or further investigation be done by the police.

The commissioner can also resolve a complaint informally at certain stages in the process.

4. Review Process
Once the investigation is completed, the chief of police decides what, if any, further action should be taken. A complainant who is not satisfied with the decision made by the chief of police has the right, in certain circumstances, to have the commissioner review the matter.

As well, if the chief of police has caused disciplinary proceedings to be taken under the Police Act and the complainant is not satisfied with the decision made in the disciplinary proceedings, the complainant has the right to request the commissioner to review the matter. The review by the commissioner will involve further investigation into the allegations made by the complainant.

5. Decision to Order a Police Complaints Board Hearing
After completing his review, the commissioner may order a board hearing if he believes that, in the public interest, such a hearing is required, or he may decide to take no further action. Where his decision is to take no further action, the commissioner must give his reasons.

If the commissioner orders a hearing, it is his

responsibility to assign a member or members of the board to conduct a hearing. The commissioner must decide whether the complaint alleges misconduct by the police officer that is of a minor nature or serious nature. In the former case, he will assign one member of the board who has had training in law to sit alone to conduct a hearing. In the latter case, he shall assign three members of the board who shall constitute a panel to conduct the hearing.

6. Chairman of Police Complaints Board
The commissioner is the chairman of the Police Complaints Board and has general supervision and direction over the conduct of the affairs of the Board. It is his duty to arrange the sittings of the board and to assign members to conduct hearings, as circumstances require.

7. Recommendations
Where, after completing a review, the commissioner is of the opinion that a police practice or procedure should be altered, he must report his opinion and recommendations to the Attorney General, the Ontario Police Commission, the Metropolitan Toronto Board of Commissioners of Police and the chief of police.

8. Hold-Up Squad Allegations
On October 22, 1981, at a meeting of the Board of Commissioners of Police, letters from seven lawyers were tabled. These letters contained allegations that a number of clients had been tortured by members of the Hold-Up Squad of the Metropolitan Toronto Police Force.

Initially, the commissioner monitored the investigation conducted by a Special Investigation Team from the Metropolitan Toronto Police Force, and on February 23, 1982, the commissioner took over this investigation.

These allegations and the subsequent events outlined above have been closely followed in the media. The present investigation is being conducted in accordance with the procedures set out in Bill 68. However, in view of the extremely sensitive nature of the investigation, it is being conducted separately and apart from all the other citizen complaints.

B. Police Complaints Board
The major responsibilities of the Police Complaints Board are as follows:

1. Hearings
The board must hold hearings when ordered by the commissioner and when the chief of police refers the matter to the board for a hearing.

The board is responsible for all administrative affairs concerning its hearings. The hearings are open to the public and the board may appoint counsel to assist at the hearing.

The board must give written notice of its decision and the reasons therefor to the chief of police, the person who made the complaint and the police officer concerned.

2. Appeals
Where the chief of police has caused disciplinary proceedings to be taken under the Police Act, the police officer concerned may appeal from that decision to the board and the board must hold a hearing.

Statutory Powers Procedures Rules Committee

Chairman:
A. Rendall Dick, Q.C.
Deputy Attorney General

Vice-chairman:
G.W.T. Reed, Q.C.

Members:
The Hon. J. W. Morden, Justice, Supreme Court of Ontario
D. K. Laidlaw, Q.C.
Derek Mendes da Costa, Q.C.
John M. Evans

Responsibilities

The Committee, established in 1973 under the Statutory Powers Procedure Act, has three main functions:

(a) to be consulted concerning rules of procedure made to govern the proceedings of tribunals required to comply with the minimum rules in the Act;

(b) to keep under continuous review the practice and procedure in proceedings of tribunals and other bodies specified in the Act; and

(c) subject to the approval of the Lieutenant-Governor in Council to make rules respecting the reporting, editing and publication of decisions of tribunals required to comply with the minimum rules.

In exercising its powers under the Act the

committee may require tribunals and other bodies to report to it their rules of procedure and may require them to formulate rules where none have been adopted.

Consultation

During the fiscal year 1981-1982 the Committee was consulted on the following matters:

(1) Proposed amendments to the procedural by-laws of the Institute of Chartered Accountants of Ontario governing discipline of members;

(2) Proposed amendments to the University of Toronto Disciplinary Enactment dealing with student and staff discipline within the University; and

(3) Proposed rules of procedure to govern procedures of the Relations and Discipline Committee of the Ontario Teachers' Federation under the Teaching Profession Act.

Review and Informal Advice

The committee held discussions concerning the procedures of Regional Boards of Review under the Mental Health Act. In addition, it gave informal telephone and written information to the public and legal profession concerning the operation of the Statutory Powers Procedure Act.

Agencies, boards and commissions operating within the Ministry and which have financial and administrative relationships with the Ministry.

Advisory Committee of the Public Trustee on Investments
Assessment Review Court
Board of Negotiation
Criminal Injuries Compensation Board
Finance Committee for the Investment of Court Funds
Land Compensation Board
Ontario Law Reform Commission
Ontario Municipal Board
Police Complaints Commission
Public Trustee
Statutory Powers Procedure Rules Committee.

Agencies, boards and commissions connected with or working with this Ministry but who do not have any financial or administrative relationship with the Government.

Advisory Committee on Legal Aid (To Be Terminated)
Council of the Association of Professional Engineers of the Province of Ontario
Judicial Council for Provincial Judges
Law Foundation of Ontario
Law Society of Upper Canada
Ontario Provincial Courts Committee
Registration Board of the Ontario Association of Architects
Rules Committee (Judicature Act)
Rules Committee of the Provincial Courts (Criminal Division)
Rules Committee of the Provincial Courts (Family Division).

Appendix

Acts Administered by the Ministry of the Attorney General

Absconding Debtors Act
Absentees Act
Accidental Fires Act
Accumulations Act
Administration of Justice Act
Age of Majority and Accountability Act
Aliens' Real Property Act
Anti-Inflation Agreement Act
Arbitrations Act
Architects Act
Assessment Review Court Act
Assignments and Preferences Act

Bail Act
Barristers Act
Blind Persons' Rights Act
Bulk Sales Act
Business Records Protection Act

Change of Name Act
Charitable Gifts Act
Charities Accounting Act
(and Bill 204 – to amend)
Children's Law Reform Act
(Bill 125 – Children's Law Reform Amendment Act)
Commissioners for taking Affidavits Acts
Compensation for Victims of Crime Act
Constitutional Questions Act
Conveyancing and Law of Property Act
Costs of Distress Act
County Court Judges' Criminal Courts Act
County Courts Act
County Judges Act
Creditors' Relief Act
Crown Administration of Estates Act
Crown Agency Act
Crown Attorneys Act
Crown Witnesses Act

Disorderly Houses Act
Dog Owner's Liability Act
Dominion Courts Act

Escheats Act
Estates Administration Act
Estreats Act

Evidence Act
Execution Act
Expropriations Act
Extra-Judicial Services Act
Frustrated Contracts Act
Factors Act
Family Law Reform Act
Fines and Forfeitures Act
Fraudulent Conveyances Act
Fraudulent Debtors Arrest Act
Frustrated Contracts Act

Gaming Act
General Sessions Act

Habeas Corpus Act
Hospitals and Charitable Institutions Inquiries Act
Hotel Registration of Guests Act

Innkeepers Act
Interpretation Act
Interprovincial Subpoenas Act

Judges' Orders Enforcement Act
Judicature Act
Judicial Review Procedure Act
Juries Act
Justices of the Peace Act

Landlord and Tenant Act
Law Society Act
Legal Aid Act
Libel and Slander Act
Limitations Act
Lord's Day (Ontario) Act

Master and Servant Act
Matrimonial Causes Act
Mechanics' Lien Act
Mental Incompetency Act
Mercantile Law Amendment Act
Metropolitan Police Force Complaints Project Act, 1981
Ministry of the Attorney General Act
Minors Act
Minors' Protection Act
Mortgages Act
Municipal Conflict of Interests Act

Appendix

Negligence Act
Notaries Act

Occupiers' Liability Act
Ontario Law Reform Commission Act
Ontario Municipal Board Act

Partition Act
Partnerships Act
Pawnbrokers Act
Perpetuities Act
Powers of Attorney Act
Proceedings Against the Crown Act
Professional Engineers Act
Property and Civil Rights Act
Provincial Court (Civil Division) Project Act
(Self repealing Jan. 1, 1983)
Provincial Courts Act (Part)
Provincial Offences Act
Public Accountancy Act
Public Authorities Protection Act
Public Halls Act
Public Inquiries Act
Public Institutions Inspection Act
Public Officers Act
Public Officers' Fees Act
Public Trustee Act

Quieting Titles Act

Reciprocal Enforcement of Judgments Act
Reciprocal Enforcement of Maintenance Orders Act
(and Bill 193 – to amend)
Regulations Act
Religious Freedom Act
Religious Organizations' Lands Act
Replevin Act

Sale of Goods Act
Settled Estates Act
Sheriffs Act
Short Forms of Conveyances Act
Short Forms of Leases Act
Short Forms of Mortgages Act
Small Claims Courts Act
Solicitors Act
Statute of Frauds
Statutes Act
Statutory Powers Procedure Act
Succession Law Reform Act
Surrogate Courts Act

Ticket Speculation Act
Time Act
Trespass to Property Act
Trustee Act

Unconscionable Transactions Relief Act
Unified Family Court Act
(Self repealing July 1, 1982)
University Expropriation Powers Act

Variation of Trusts Act
Vendors and Purchasers Act
Vexatious Proceedings Act

Wages Act
Warehouse Receipts Act
Warehousemen's Lien Act